



**Kagere v Republic (Criminal Revision E085 of 2025)
[2025] KEHC 11107 (KLR) (28 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11107 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E085 OF 2025**

**DR KAVEDZA, J
JULY 28, 2025**

BETWEEN

JORAM MAINA KAGERE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant herein was charged and after a full trial convicted for the offence defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*. He was sentenced to serve 20 years imprisonment. His appeal before this court was dismissed by Ngenye J(as she then was) in *Nairobi Criminal Appeal No. 57 of 2017* on delivered on 22nd May 2019. His second appeal to the Court of Appeal was similarly dismissed in *Criminal Appeal E031 of 2023* delivered on 20th September 2024.
2. The applicant has filed the present application dated 27th June 2025 seeking sentence review.
3. I have considered the application, the supporting affidavit, and the applicable legal framework. The record shows that the subject matter of the application was previously determined by the Court of Appeal. As such, this court lacks jurisdiction to re-open or interrogate the matter on its merits. To do so would contravene the established doctrine of stare decisis, which obliges this court to adhere to the decisions of superior courts and to maintain consistency and predictability in the administration of justice.
4. Further, once a court has heard and determined a matter conclusively, it becomes functus officio, meaning its jurisdiction in relation to that matter is exhausted. This court discharged its mandate when it rendered its decision on the first appeal in Appeal No. 57 of 2017. The applicant has already exercised his right of appeal before the Court of Appeal and the decision of that court stands.
5. There is no basis in law or procedure for the applicant to return to this court, and such action is an abuse of the court process.



6. Accordingly, I find the application to be devoid of merit and it is hereby dismissed in its entirety.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 28TH DAY OF JULY 2025

D. KAVEDZA

JUDGE

