



Kudosi v Republic (Miscellaneous Criminal Application E081 of 2024) [2025] KEHC 10346 (KLR) (15 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10346 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAJIADO
MISCELLANEOUS CRIMINAL APPLICATION E081 OF 2024**

**CW MEOLI, J
JULY 15, 2025**

BETWEEN

DAVID KUDOSI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The court has perused the applicant’s undated motion, proceedings in *HCCRA 5 of 2016 (Kajiado)*, Kajiado SPM’s Criminal Case No. S.O 48/15 and the judgment by the Court of Appeal in Criminal Appeal No. 44 of 2018, delivered on 22.05.2020.
2. The appeals to this court and to the Court of Appeal relate to the conviction and sentence in Kajiado SPM’s Criminal Case No. S.O. of 2015. Both appeals were dismissed. Although the appeal in the High Court challenged both conviction and sentence, the appeal before the Court of Appeal primarily dwelt on the conviction.
3. In any event, the High Court and Court of Appeal having pronounced themselves in the respective judgments, the Applicant’s options before this court are closed. He cannot return to this court, as he now attempts to do through the miscellaneous application, to challenge his sentence. This court is functus officio. The undated motion herein is misguided and violates the principles of stare decisis and res judicata.
4. This court has no Jurisdiction to entertain the said motion, which is hereby struck out.

DELIVERED ELECTRONICALLY AT KAJIADO ON THIS 15TH DAY OF JULY 2025

C. MEOLI

JUDGE

In the presence of:



For the State: Mr. Kilunda

Applicant: Present

C/A: Lepatei

