



**Margeti v Republic (Miscellaneous Criminal Application
E053 of 2025) [2025] KEHC 10436 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10436 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E053 OF 2025**

DR KAVEDZA, J

JULY 17, 2025

BETWEEN

KAAKA MASARA MARGETI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of defilement contrary to section 8(1) as read with section 8(4) of the *Sexual Offences Act*, No. 3 of 2006. He was sentenced to serve twenty-five (25) years imprisonment. His appeal to the High Court was partially successful and the sentence was reduced to twenty (20) years imprisonment. His appeal to the Court of Appeal was dismissed in Criminal Appeal 96 of 2018 on 24th April 2020.
2. He filed the present application and an affidavit in support of his motion seeking sentence review. The arguments raised are that the trial court failed to consider the time he spent in remand custody during the computation of his sentence.
3. I have considered the application, the affidavit in support and the applicable law. From the record, I note that the matter was already handled by the Court of Appeal. If this court ventures into handling the application on its merits would be tantamount to a disregard for the hierarchy of courts. This court has no jurisdiction to supervise a superior court. As noted above, this court has already discharged its duty and became *functus officio*.
4. As a result, the application is dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 17TH DAY OF JULY 2025



D. KAVEDZA
JUDGE

