



**Macharia v Republic (Miscellaneous Criminal Application  
6 of 2025) [2025] KEHC 10352 (KLR) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10352 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION 6 OF 2025**

**DR KAVEDZA, J  
JULY 16, 2025**

**BETWEEN**

**SAMUEL KIMANI MACHARIA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and convicted for the offence of trafficking in narcotic drugs contrary to section 4(a) of the *Narcotics and Psychotropic Substances (Control) Act* No. 4 of 1994. He was sentenced to serve 25 years imprisonment. In addition, he was fined Kshs. 20,790,000 in default to serve 12 months imprisonment. His appeal against conviction was dismissed on 7<sup>th</sup> May 2024, but was partially allowed on sentence. This court substituted the 25 years imprisonment with a sentence of ten(10) years to run from the date of conviction.
2. He has filed the present notice of motion seeking sentence review. The arguments raised are that he has reformed since his incarceration and urged the court to release him.
3. I have considered the application, the affidavit in support and the applicable law. In a ruling dated 16<sup>th</sup> June 2025 this court directed that the applicant's sentence to run from the date of arrest. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. In the circumstances, the right forum for the applicant is the Court of Appeal.
4. As such, the application is dismissed. The applicant is directed not to file any other application without leave of court.

**RULING DATED AND DELIVERED VIRTUALLY THIS 16<sup>TH</sup> DAY OF JULY 2025**

**D. KAVEDZA**



**JUDGE**

