



REPUBLIC OF KENYA



**Mumba v Republic (Criminal Revision E296 of 2024)
[2025] KEHC 10396 (KLR) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10396 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
CRIMINAL REVISION E296 OF 2024**

M THANDE, J

JULY 11, 2025

BETWEEN

SIDI MWAVUO MUMBA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant has by her Application approached this Court seeking a non-custodial sentence or an acquittal. She stated that she was convicted of the offences of obtaining money by false pretence and making a false document and uttering a false document. She was sentenced to 3 years imprisonment.
2. The Applicant urged the Court to consider that she is a single mother of 4 children, 2 of whom are still young. She has so far served 1 year. She further urged the Court to give her a second chance and to consider that she is remorseful and now reformed. She has acquired skills which will help her seek a job out of prison and promised to be a law abiding citizen. In her Application, the Applicant has invoked the revision powers of this Court under Section 364 of the *Criminal Procedure Code* (CPC).
3. The law is that where the Court finds, after examining the record of proceedings before a subordinate court that the same are wanting in correctness, or that there is illegality or impropriety of a finding, order or sentence, the Court may by dint of the revision powers conferred upon it by Section 364 of the *CPC*, enhance the sentence or alter or reverse the order except that of an acquittal. Section 364(5) is explicit that when an appeal lies from a finding, sentence or order, and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.
4. Section 347 of the *Criminal Procedure Code* provides that a person convicted on a trial held by a subordinate court may appeal to the High Court. Our courts have repeatedly stated in many cases, that where a clear procedure for redress is prescribed by the *Constitution* or statute, that procedure should



be strictly followed. One such case is *Speaker of the National Assembly v James Njenga Karume* [1992] eKLR where the Court of Appeal stated:

In our view, there is considerable merit in the submission that where there is a clear procedure for the redress of any particular grievance prescribed by the *Constitution* or an Act of Parliament, that procedure should be strictly followed.

5. The Applicant has not demonstrated that the sentence imposed upon her is illegal to warrant the intervention of this Court sitting as a revision court. Flowing from the above stated provisions of the law and the authority cited, the Applicant's redress lies in filing an appeal. It is in the exercise of its appellate jurisdiction, that this Court can examine the record and look at the sentence complained about and make a decision thereon.
6. In light of the foregoing, the Court finds that the Application is devoid of merit and the same is hereby dismissed.

DATED, SIGNED AND DELIVERED IN MALINDI THIS 11TH DAY OF JULY 2025

M. THANDE

JUDGE

