



**Shibishi v Republic (Criminal Revision 72 of 2023)
[2024] KEHC 5490 (KLR) (22 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5490 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 72 OF 2023**

DR KAVEDZA, J

MAY 22, 2024

BETWEEN

ALICE HALIMA SHIBISHI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant jointly with others not before this court was charged and sentenced to death for the offence of robbery with violence contrary to section 296(2) of the *Penal Code* in Kibera Criminal Case no. 1004 of 2013. Her appeal to this court was upheld the conviction and sentence vide Nairobi Criminal Appeal No. 98 of 2014. Pursuant to the decision of *Francis Muruatetu & Another vs Republic* [2017] ECLR, the applicant was resented to 25 years imprisonment on 4th October 2020.
2. The applicant has now filed the present application seeking further resentencing. The application is supported by an affidavit sworn by the applicant. The averments made are that she is an elderly woman being 60 years old. She is remorseful. She has developed health problems since her incarceration. She is the sole breadwinner in her family.
3. I have considered the application, the averments in support and the applicable law. The issue for consideration is whether this court should grant the orders sought.
4. In my opinion, there is no legal provision for an appeal or revision of a resentence. The 25-year sentence the applicant is serving is reasonable given the aggravating circumstances of the case. The victim died as a result of the crime, making the 25-year sentence appropriate.
5. The application is dismissed for lacking in merit. The applicant is directed not to file a similar application without leave of court.

Orders accordingly.



RULING DATED AND DELIVERED VIRTUALLY THIS 22ND DAY OF MAY 2024

D. KAVEDZA

JUDGE

