



**Makumbi v Republic (Criminal Petition E007 of 2024)  
[2024] KEHC 8541 (KLR) (4 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8541 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT CHUKA  
CRIMINAL PETITION E007 OF 2024**

**LW GITARI, J**

**JULY 4, 2024**

**BETWEEN**

**PETER MUTHINI MAKUMBI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. I have considered the petition. The petition is misplaced as the grounds relied on are grounds which should be raised in an appeal. The petition is fatally defective as the prayers sought cannot be granted by this court. It is a cardinal Rule of Natural Justice that one cannot be a Judge in his own cause. The Petitioner is challenging the decision of this court which heard and determined the appeal. Under the system of the courts under Article 162 of the Constitution, appeals from the High Court should be filed in the Court of Appeal. The jurisdiction of the High Court under Article 165(6) of the Constitution, the supervisory jurisdiction of this court is over Sub-ordinates court and not over superior courts.
2. The appellant was lawfully sentenced by the sub-ordinate court and the appeal was dismissed. The Petitioner has not shown how his rights were violated. This court is *Factus Official* as it heard the appeal and upheld the conviction and sentence. The Petition is not properly before this court and is also without merits. I order that it be struck out with no further orders.

**DATED, SIGNED AND DELIVERED AT CHUKA THIS 4<sup>TH</sup> DAY OF JULY 2024.**

**L.W. GITARI**

**JUDGE**

