



**Mutitu v Republic (Criminal Appeal 12 of 2024) [2024] KEHC 7971 (KLR) (1 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7971 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL APPEAL 12 OF 2024**

**DR KAVEDZA, J**

**JULY 1, 2024**

**BETWEEN**

**LUCY CATHERINE MUTITU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant pleaded guilty on three counts for the offence of obtaining money by false pretenses contrary to section 313 of the *Penal Code* and three counts of personating a public officer contrary to section 105(b) of the *Penal Code*. She was sentenced to serve 2 years imprisonment on each count of obtaining money by false pretenses and pay a fine of Kshs. 50,000 in default to serve 12 months imprisonment on each count of personating of personating a public officer. The sentences were to run consecutively.
2. In 2021, she the applicant filed an application for revision of sentence. The application was heard and determined by my sister Hon Lady Justice Mutende J on 4<sup>th</sup> October 2021, wherein the court dismissed her application. She filed a similar application in 2022, and her application was struck out vide a ruling dated 14<sup>th</sup> March 2022. The grounds were that the court was now functus officio and was not seized of jurisdiction to determine the matter.
3. To reiterate the sentiments of my learned sister Mutende J, this court cannot review an order of a court of concurrent jurisdiction as doing so would be tantamount to sitting as an appellate court on the judgment of Hon. Lady Justice Mutende. Otherwise, this court is bereft of jurisdiction to revise the sentence imposed.

Orders accordingly.

Ruling dated and delivered virtually this 1<sup>st</sup> day of July 2024

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**D. KAVEDZA**  
**JUDGE**

