



**Ng'ieia v ODPP (Criminal Revision E124 of 2023)
[2024] KEHC 8834 (KLR) (18 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8834 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
CRIMINAL REVISION E124 OF 2023
SM GITHINJI, J
JULY 18, 2024**

BETWEEN

FREDRICK OWUOR NG'IELA APPLICANT

AND

ODPP RESPONDENT

RULING

1. The application herein is for review of sentence meted against the applicant for an offence of trafficking in 353 big rolls of cannabis sativa with estimated street value of Kshs 114,200/= whereby he was fined one million shillings and in default to serve a total of 20 years' imprisonment. He appealed to this Court against the conviction and sentence, and this Court in it's judgment of 8th March, 2022 dismissed the appeal for want of merit.
2. Revision under the *Criminal Procedure Code* from section 362 up to section 367, shows that the High Court can only review a decision of the lower court but not its own decision. I therefore do not have jurisdiction to review my finding on sentence of 8th March, 2022. The applicant should have appealed the decision in the Court of Appeal.
3. The parting shot is that the application herein lacks merit and is dismissed for want of jurisdiction by this Court.

DATED, SIGNED AND DELIVERED AT MALINDI THIS 18TH DAY OF JULY, 2024

.....

S.M. GITHINJI

JUDGE

In the presence of; -



- 1. Applicant
- 2. Ms Ochola for the ODPP, holding brief for Mr Mulamula

.....

.....

S.M. GITHINJI

JUDGE

