



**Musau v Republic (Miscellaneous Criminal Application E1444 of 2024)
[2024] KEHC 11042 (KLR) (Crim) (19 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11042 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL APPLICATION E1444 OF 2024
LN MUTENDE, J
SEPTEMBER 19, 2024**

BETWEEN

DAMARIS MUENI MUSAU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Damaris Mueni Musau, the Applicant, was charged, convicted and sentenced to suffer death for the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*. Aggrieved, she appealed to the Court of Appeal which upheld the decision of the High Court, the trial court.
2. Subsequently, she approached court through Miscellaneous Criminal Application Number E311 of 2021, seeking resentencing, where this court pronounced itself thus:

“As correctly submitted by the Respondent, the matter in issue was dealt with to finality such that I cannot purport to review it. Consequently, since I am divested of the jurisdiction to determine this matter, the application fails and is dismissed.”
3. In the instant application she seeks revision of the sentence for purposes of computation. It is notable that the applicant was sentenced by a court of concurrent jurisdiction, a conviction and sentence that was upheld by the Court of Appeal. This was followed by the instant court adjudicating over another application in her regard.



4. The Court of Appeal which rendered itself in CRAPP. No. 100 of 2017, *Damaris Mueni Musau v Republic* [2020] eKLR stated that:

“Turning to sentence.....Having considered the circumstances under which the offence was committed as well as the appellant’s defence, we find no reason to interfere with the sentence meted against the Appellant”.

5. In the result, I have no jurisdiction to pronounce myself in the instant matter. Therefore, the application is dismissed.

6. It is so ordered

DATED, SIGNED AND DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS AT NAIROBI, THIS 19TH DAY OF SEPTEMBER, 2024.

L. N. MUTENDE

JUDGE

