



**Kimani v Republic (Miscellaneous Criminal Application E388 of 2024)
[2024] KEHC 12581 (KLR) (Crim) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12581 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL APPLICATION E388 OF 2024
K KIMONDO, J
OCTOBER 22, 2024**

BETWEEN

ERICK KIMEU KIMANI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant is seeking review of the sentence, and, more specifically to gain credit for the period spent in remand custody.
2. The application is dismissed in limine for the following reasons:
 - i). The applicant was tried by the High Court for murder in HCCR case Number 113 of 2014 and sentenced on 31st May 2018.
 - ii). His first appeal to the Court of Appeal in Criminal Appeal No. 41 of 2022 was partially successful and the sentence was reduced to 20 years imprisonment on 24th November 2023.
 - iii). He now contends that the Court of Appeal failed to grant him credit for the period spent in remand custody.
 - iv). It follows that the High Court is no longer seized of jurisdiction to review the sentence of the appellate court.
3. For all of those reasons the applicant's Notice of Motion presented to court on 22nd October 2024 is dismissed.
4. The applicant as well as the Director of Criminal Prosecutions shall be notified of this order.



DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22ND DAY OF OCTOBER 2024.

KANYI KIMONDO

JUDGE

