



**Mbirithia v Director of Public Prosecution (Revision Case E211 of 2024) [2024] KEHC 12370 (KLR) (16 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12370 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
REVISION CASE E211 OF 2024  
HM NYAGA, J  
OCTOBER 16, 2024**

**IN THE MATTER OF: CONTRAVENTION OF RIGHTS OR FUNDAMENTAL FREEDOMS UNDER ARTICLE 19,20,222,23,25,27,28,50,51,159 AND 165 OF THE CONSTITUTION OF KENYA AND ALL OTHER ENABLING POWERS AND PROVISIONS OF THE LAW**

**AND**

**IN THE MATTER OF: APPLICATION AND ENFORCEMENT OF SECTION 333 (2) OF THE CRIMINAL PROCEDURE CODE IN RELATION TO SENTENCE THAT HAS NOT FACTORED THE TIME SPEND IN CUSTODY**

**AND**

**IN THE MATTER OF AHAMAD ABOLFATHI MOHAMMAD AND ANOTHER VS REPUBLIC (2018) EKLW BETHWEL WILSON KIBOR VS REPUBLIC**

**BETWEEN**

**JULIUS KIUNGA MBIRITHIA ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... RESPONDENT**

*(Originating from Criminal Case No 1033 of 2010 (Maua) and HCCRPET No. E027 of 2023 at Meru High Court)*

**RULING**

1. Court: Applicant was before Hon Justice Cherere in Petition No E024 of 2023.
2. The court considered Section 333 (2) CPC in imposing the 30 year sentence. This court lacks Jurisdiction to revisit the issue.



3. Application dismissed with orders that the Applicant should not file any further application here.  
File closed.

**H. M. NYAGA**

**JUDGE**

**DATED, SIGNED AND DELIVERED AT MERU THIS 16<sup>TH</sup> DAY OF OCTOBER 2024.**

