



**Mwai v Republic (Miscellaneous Criminal Case E369 of 2024)
[2024] KEHC 11900 (KLR) (Crim) (7 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 11900 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL CASE E369 OF 2024
K KIMONDO, J
OCTOBER 7, 2024**

BETWEEN

ELIUD KIMANI MWAI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The application for “Mitigation and resentencing” dated 3rd October 2024 is an abuse of court process because the Court (Ogembo J) in Miscellaneous Application 90 of 2019 ruled on the same matter on 8/2/2022 dismissing the prayers.
2. The applicant then filed a similar application in Miscellaneous Criminal Application No. E242 of 2024 which was dismissed (Kimondo J) on 22nd July 2024.
3. Accordingly, the current Miscellaneous Application Number E369 of 2024 is filed out of jurisdiction and is struck out in limine and file closed.
4. The applicant shall be notified immediately of this order.

KANYI KIMONDO

JUDGE

7/10/2024

