



**Muhamed v Republic (Miscellaneous Criminal Application 149 of 2018)
[2023] KEHC 645 (KLR) (Crim) (2 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 645 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL APPLICATION 149 OF 2018
LN MUTENDE, J
FEBRUARY 2, 2023**

BETWEEN

ABDULLAHI OSMAN MUHAMED APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Following the decision of *Muruatetu v Republic* [2017] eKLR, the applicant herein sought review before the High Court presided over by Kimaru J. (As he then was); in HCCR Revision No. 124 of 2018 (*Abdullahi Osman Mohamed v Republic* [2019] eKLR the court delivered itself thus:

“The applicant states that he has learnt his lesson. He states that he was a misguided youth at the time who was influenced by his peers to commit the offence that he did. Although he is a first offender and has undertaken several courses in prison with a view to improving his rehabilitation, this court is not convinced that the Applicant is sufficiently reformed as not to pose a danger to society if he is released or have his custodial sentence revised on resentencing. It was apparent to the court that the Applicant will pose a danger to the society if his sentence is reviewed. This is one case where this court is of the opinion that the Applicant should serve the life imprisonment that was imposed upon him when the death sentence was commuted. The application for resentencing lacks merit and is hereby dismissed. It is so ordered.”

2. The applicant has approached this court for the second time with a view of being re-sentenced.



3. A final decision was rendered by this court that was susceptible to appeal. That final decision having been granted, this court is *funtus officio*. It does not have jurisdiction to determine the application before the court.
4. Consequently, the application is struck out.
5. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT
NAIROBI, THIS 2ND DAY OF FEBRUARY, 2023.**

L. N. MUTENDE

JUDGE

IN THE PRESENCE OF:

Applicant

Ms. Adhiambo for DPP

Court Assistant – Mutai

