



REPUBLIC OF KENYA



KENYA LAW
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**Waithanje v Republic (Criminal Revision E024 of 2021)
[2023] KEHC 1601 (KLR) (10 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1601 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CRIMINAL REVISION E024 OF 2021
MM KASANGO, J
MARCH 10, 2023**

BETWEEN

GARISON KAMAU WAITHANJE APPLICANT

AND

REPUBLIC RESPONDENT

(A criminal revision from the original conviction and sentence in Chief Magistrate Court at Gatundu (A M Maina, PM) dated August 4, 2016 in criminal Case no 231 of 2015)

RULING

1. Garison Kamau Waithanje was convicted in Gatundu CM Court Criminal Case no 231 of 2015 with the offence of defilement contrary to section 8(1)(8)(2) of the *Sexual Offences Act*. He was convicted on August 4, 2016 and was sentenced to life imprisonment.
2. Garison has filed before this court two revision applications to have the court revise his sentence. The two applications before this court are Criminal Revision no 321 of 2020 and Criminal Revision no E024 of 2021.
3. The applications are mischievous and abuse of the court process. I say so because Garison filed an appeal before this court against his conviction and sentence by CM court Gatundu being Kiambu High Court Criminal Appeal no 44 of 2017. This court by its judgment of August 23, 2017 dismissed that appeal against conviction and sentence.
4. Garison appealed before the Court of Appeal being Criminal Appeal no 38 of 2019. The Court of Appeal by the judgment of July, 24, 2020 dismissed Garison's appeal against conviction and sentence.
5. Garison is abusing this court's process in filing two separate applications for revision of his sentence which sentence was confirmed by this court and by the Court of Appeal.



Conclusion

6. The Kiambu High Court Criminal Revision no 321 of 2020 and Kiambu High Court Criminal Revision no E024 of 2021 are hereby dismissed for the above reasons.
7. I order the file of Kiambu High Court Criminal Revision no E024 of 2021 be closed.

RULING DATED AND DELIVERED AT KIAMBU THIS 10TH DAY OF MARCH, 2023.

MARY KASANGO

JUDGE

In the presence of

Coram:

Court assistant: Julia

Garison Kamau Waithanje:-present

For DPP:- Mr Gacharia

COURT

Ruling delivered virtually.

MARY KASANGO

JUDGE

