



**Karani v Republic (Miscellaneous Case 56 of 2021)
[2023] KEHC 3829 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3829 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
MISCELLANEOUS CASE 56 OF 2021
REA OUGO, J
APRIL 20, 2023**

BETWEEN

VICTOR KARANI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Victor Karani, the applicant, has filed a motion on the May 14, 2021 seeking a review of his sentence. In his supporting affidavit he avers that he was convicted and sentenced to thirty (30) years imprisonment for the offence of defilement in CRC 1978 of 2019 at CM's Bungoma. He opted to appeal to the high court and the sentence was enhanced to life. That in light of the Supreme Court ruling in the case of *Francis Muruatetu & Another vs. Republic* [2017] eKLR it was held that mandatory minimum sentences deprived the court of the legitimate jurisdiction to exercise discretion. That he pleads for a review of the 30 years imprisonment to a less severe term taking into account that he is still a young man who has a long way to go in life and thus would adversely be ruined by the long incarceration. That he has gone several rehabilitation and reformation programs within the institution hence he is able to reintegrate well back into society and that whilst in prison he has maintained high standards of discipline.
2. The application was opposed by the respondent. Ms. Omondi argued that the offence the applicant was convicted of carries a life sentence but the trial court exercised its discretion and sentenced him to 30 years imprisonment. That the applicant's sentence was enhanced to life imprisonment in HCCRA 49 of 2016 and therefore this court should not interfere with the said sentence.
3. The applicant submitted that the court of appeal reduced it to 30 years imprisonment after it found that the judge who heard the appeal had no jurisdiction to hear it.



4. The question I ask myself is can I review the sentence of 30 years. The applicant was before the high court and his sentence was enhanced to life sentence. This sentence was later reviewed to 30 years imprisonment by the court of appeal. I find that I lack jurisdiction to review an order of the court of appeal. The application lacks merit and is dismissed.

DATED, SIGNED AND DELIVERED AT BUNGOMA VIA MICROSOFT TEAMS THIS 20TH DAY OF APRIL 2023.

R.E.OUGO

JUDGE

In the presence of:

Applicant in person

Miss Omondi For the Respondent/ State

Wilkister C/A

