



Muli v Director of Public Prosecution (Miscellaneous Criminal Case E079 of 2023) [2023] KEHC 4115 (KLR) (Crim) (10 May 2023) (Ruling)

Neutral citation: [2023] KEHC 4115 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
MISCELLANEOUS CRIMINAL CASE E079 OF 2023**

DR KAVEDZA, J

MAY 10, 2023

BETWEEN

LEILA MUNYIVA MULI APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTION RESPONDENT

RULING

1. The lower court file has been availed. I have gone through the application. The applicant seeks review of her sentence so that she can serve a non-custodial sentence. I note that the applicant appealed the decision of the trial magistrate and her appeal was dismissed. She appealed to the court of appeal and on 4.12.2020, the Court of Appeal, (Koome CJ, Musinga JA and Sidhole JA) dismissed her Appeal. She then made an application for revision of sentence as recent as 15.11.2022, the court (Bwonwong'a J.) dismissed her application.
2. Having laid that background it is trite law that a court of concurrent jurisdiction cannot purport to review the decision of a brother/sister Judge.
3. The sentence which the applicant has sought to review was affirmed by the Court of Appeal. My jurisdiction as Chair (National Community Service Order Committee) NCSOC, is to review magistrates sentence only below three years and on maximum cases where the offender has a balance (remainder) of only three years left of her/his sentence.
4. The applicant herein has only served five years of the sixteen years imposed.
5. I therefore find the application dated 9.3.2023 to be an abuse of the court process and it is hereby dismissed.

RULING READ AND DELIVERED ON 10TH DAY OF MAY, 2023



HON. DIANA R. KAVEDZA
JUDGE

