



**State v Ng'oriamock (Criminal Petition E004 of 2024)
[2024] KEHC 15402 (KLR) (19 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15402 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL PETITION E004 OF 2024
RPV WENDOH, J
NOVEMBER 19, 2024**

BETWEEN

STATE PROSECUTOR

AND

THOMAS NG'ORIAMOCK ACCUSED

RULING

1. The Applicant herein, Thomas Ng'oriamok filed an undated chamber summons on 23/2/2024 seeking an order of review of his sentence to include the time he spent in the remand. He told the court that he was convicted for offence of defilement and sentenced to 20 years imprisonment; that his appeal to the High court was dismissed and he now seeks review.
2. The prosecution counsel, Mr. Majale, opposed the application on grounds that the Applicant has appealed to the Court of Appeal and his appeal is still pending; that the High Court has already determined the appeal and has no jurisdiction to revisit the matter.
3. This matter having been on appeal by the High Court, this court is *functus officio*. It cannot hear an application for review.
4. The Applicant's Appeal is pending before the Court of Appeal and he should, on the issue of the period spend in remand in that court. The application lacks merit and is an abuse of the court process and is hereby dismissed

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 19TH DAY OF NOVEMBER, 2024.

R. WENDOH

JUDGE

Ruling delivered in open Court and in the presence of:



State Counsel: Mr. Majale

Court Assistant: Juma/Hellen

Appellant: Virtual

