



REPUBLIC OF KENYA



**Stephen v /Republic (Miscellaneous Criminal Application E019 of 2024)  
[2024] KEHC 15302 (KLR) (13 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15302 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAPENGURIA  
MISCELLANEOUS CRIMINAL APPLICATION E019 OF 2024**

**RPV WENDOH, J  
NOVEMBER 13, 2024**

**BETWEEN**

**GIBSON LANGAT STEPHEN ALIAS KORTIN ..... APPLICANT**

**AND**

**STATE /REPUBLIC ..... RESPONDENT**

**RULING**

1. By an application dated 24/7/2024 the applicant Gibson Langat Stephen alias KORTIN seeks orders of revision of his sentence under section 333 (2) of the CPC, to factor in the sentence, the period he was in remand before conviction/sentence.
2. Mr. Majale, the Prosecution Counsel, opposed the application on account of this court's lack of jurisdiction. He urged that the court record shows that the applicant was before this court on an appeal and he has lodged an appeal with Court of Appeal.
3. In his Notice of Motion, the applicant admits that he was convicted for the Offence of Murder and was sentenced to suffer death. Later the sentence was commuted to life-imprisonment and that he has appealed against the Judgment in the Court of Appeal but requests court to exercise its discretion.
4. The file in which the appellant was convicted is before the Court of Appeal. The Applicant was convicted for Murder by the High Court. He cannot come back before a court of concurrent jurisdiction to seek review of his sentence. Since he is aggrieved by the conviction and sentence, he has sought an appeal before Court of Appeal which is the proper course for him to take.

The application is not merited and is hereby dismissed.

File closed.

**DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 13TH DAY OF NOVEMBER,  
2024**



**R. WENDOHO.**

**JUDGE**

Ruling delivered in the presence of

Mr. Majale for state -present

Applicant – present

Court Assistants – Juma /Hellen

