



Loitareng v Republic (Miscellaneous Criminal Application E027 of 2024) [2024] KEHC 16612 (KLR) (16 December 2024) (Ruling)

Neutral citation: [2024] KEHC 16612 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
MISCELLANEOUS CRIMINAL APPLICATION E027 OF 2024**

**RPV WENDOH, J
DECEMBER 16, 2024**

BETWEEN

JOSPHAT LOITARENG APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Josphat Loitareng has filed an undated Notice of Motion seeking a review of his sentence, to include the time he spent in remand. He also requests to be given a non-custodial sentence.
2. Mr. Majale, Prosecution Counsel, opposed the application for reasons that the applicant was before this court on appeal which was dismissed and therefore this court has no jurisdiction to entertain the application.
3. I have perused the application. The applicant filed an appeal against the Judgement of the trial court in Criminal Appeal no. 1 of 2019 which was dismissed by Judge Sitati on 29/5/2019.
4. The applicant then filed an application for review in Criminal Revision No. E062 of 2023 which was considered and dismissed by Judge Mrima on 22/2/2024. The applicant has come back to the same court with the instant application. Clearly, his application is an abuse of the court process, because this court has no jurisdiction to hear him again. If still aggrieved the applicant should proceed to Court of Appeal . Application is dismissed. File is closed.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 16TH DAY OF DECEMBER, 2024

R. WENDOH.

JUDGE.

Ruling delivered in open court in the presence of:



Applicant in person (virtual)

Mr. Majale for the state

Juma - Court Assistant.

