



Rianangura v Republic (Miscellaneous Criminal Application E021 of 2024) [2024] KEHC 16613 (KLR) (16 December 2024) (Ruling)

Neutral citation: [2024] KEHC 16613 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
MISCELLANEOUS CRIMINAL APPLICATION E021 OF 2024**

RPV WENDOH, J

DECEMBER 16, 2024

BETWEEN

JOSEPH RIANANGURA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Joseph Rianangura has filed this Notice of Motion seeking a review of his sentence. He was convicted for the offence of gang rape and sentenced to twenty (20) years imprisonment. He is left with three (3) years imprisonment and prays to be released on non-custodial sentence.
2. Mr. Majale, Prosecution Counsel opposed the application for reason that the applicant filed an appeal which was heard and determined and this court has no jurisdiction to hear this application.
3. I have perused the files and do confirm that the applicant was heard on appeal in Criminal Appeal no. 3 of 2020 by Judge Sitati who dismissed the appeal. The applicant then filed an application for review of his sentence dated 9/2/2023 and this court dismissed it on 3/10/2024. He is back with a similar application. This application is an abuse of the court process and is hereby dismissed. This court is *functus officio* and if still aggrieved, the applicant should move to Court of Appeal for redress. Application dismissed.
4. File 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.

