

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HIGH COURT CRIMINAL NO. 3 OF 2017

EPHANIUS MWITL.....APPLICANT

VS

STATE.....RESPONDENT

RULING

I have looked at the mitigation of Appeal filed on 20/1/2017. I have also perused the proceedings in Meru Court case No. 73 of 2009 and have confirmed that the proceedings were undertaken and conviction and sentence was passed by Hon. Lessit J.

That is a court of concurrent jurisdiction. In this regard, this court lacks jurisdiction to entertain the Application. The same is hereby dismissed. The Applicant if he so wished should have appealed to the Court of Appeal against the conviction and sentence.

This ruling be typed and be served upon the Applicant.

Order Accordantly. File be closed.

DATED AND DELIVERED AT MERU THIS 22ND DAY OF FEBRUARY, 2017.

A. MABEYA

JUDGE

22/2/17