

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
MISC. CRIMINAL APPLICATION NO. E136 OF 2025

DICKSON LUMBASIO NDUMBA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of robbery with violence contrary to section 296(2) of the Penal Code. He was sentenced to serve life imprisonment. His appeal before this court was dismissed.
 2. He has filed the present application seeking revision of sentence. The grounds raised are that he is the sole breadwinner in his family. Since his incarceration, his family has suffered psychological trauma. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
 3. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. This court is therefore functus officio. The right forum for the applicant is the Court of Appeal.
 4. In the circumstances, the application is dismissed.
- Order accordingly.

**Ruling dated and delivered virtually this 14th day of
October 2025**

D. KAVEDZA
JUDGE

ORIGINAL