



**Hamisi & another v Republic (Criminal Revision E115 of 2025)
[2025] KEHC 15286 (KLR) (24 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15286 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E115 OF 2025
DR KAVEDZA, J
OCTOBER 24, 2025**

BETWEEN

OMAR MOHAMMED HAMISI 1ST APPLICANT

SIMON MWAURA 2ND APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicants were jointly charged with others not before this court, with the offence of preparation to commit a felony contrary to section 308(1) of the Penal Code. After a full trial, he was convicted and sentenced to serve (7) years imprisonment. Their respective appeals No. E018 of 2023 and E148 of 2024 dismissed.
2. They have jointly filed the present application seeking sentence review. The grounds raised are that the sentence served is sufficient. They have undergone rehabilitation. He urged the court to review the sentence of the trial court to a non-custodial sentence.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having already heard the appeal, this court is functus officio. The right avenue for the applicants is the court of appeal
4. The application dismissed in its entirety.

RULING DATED AND DELIVERED VIRTUALLY THIS 24TH DAY OF OCTOBER 2025

D. KAVEDZA



JUDGE

