



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Farah v ODPP (Criminal Revision E182 of 2025)  
[2025] KEHC 16733 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16733 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
CRIMINAL REVISION E182 OF 2025  
RPV WENDOH, J  
NOVEMBER 13, 2025**

**BETWEEN**

**ZAINAB ABDI FARAH ..... APPLICANT**

**AND**

**ODPP ..... RESPONDENT**

***(ARISING FROM CM SHANZU C oOF 2021) RIMINAL CASE NUMBER 1309 OF 2019)***

**RULING**

1. The Applicant herein seeks a revision of the sentence imposed in Criminal Case No. 1309 OF 2019 for the offence of trafficking in narcotics drugs contrary to section 4 9a0 of the narcotic drugs and psychotropic substances control act number 4 of 1994 in the Chief Magistrate’s Court at Shanzu, in which she was sentenced imprisonment for 25 YEARS.
2. The Applicant then lodged an appeal before Justice Og’ingo who reduced the sentence to 15 years imprisonment.
4. The Applicant confirms that she has no further intention to appeal and has no pending appeal before any court. He therefore seeks a review of sentence.
5. The Applicant relies on Article 50(2)(p) of *the Constitution* of Kenya, 2010, which guarantees the right to benefit from the least severe sentence applicable, including the right to seek review where appropriate.
6. The Court is guided by the Supreme Court’s jurisprudence, and the clarification in the Muruatete 3 case where the supreme court highlighted the legislative importance of minimum sentences and the need for consistency in their application.



7. The Court further observes that a court cannot review or vary a sentence imposed by another court of concurrent and equal jurisdiction. A review mechanism cannot be used to reopen, disturb, or alter a sentence already affirmed on appeal within the judicial hierarchy.

8. In view of the foregoing, the application for sentence review has no legal merit and cannot succeed.

I however note that the applicant states that she has served a substantive portion of her revised sentence and she has a positive progress report. She may be considered for decongestion in the December 2025 Exercise.

Orders

1. That the Application for sentence review is hereby dismissed.
2. That the sentence of TEN (15) years imposed by Justice Oginjo shall remain in force.
3. That the Applicant retains the right to pursue any lawful remedy available under *the Constitution* and applicable statutes and she may be considered under the decongestion exercise.

**DATED SIGNED AND DELIVERED THIS 13<sup>TH</sup> DAY OF NOVEMBER 2025**

**WENDY KAGENDO JUDGE**

**HIGH COURT OF KENYA MOMBASA**

In The Presence Of;

The Applicant In Person Mr Ngiri For The State Ms Bebor Court Assistant

