



**Guchi v Republic (Criminal Revision E255 of 2024)
[2025] KEHC 16583 (KLR) (12 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16583 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL REVISION E255 OF 2024
SM GITHINJI, J
NOVEMBER 12, 2025**

BETWEEN

SODHE ABILA GUCHI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein, Sodhe Abila Guchi. Was charged with the offence of murder Contrary to Section 203 as read with Section 204 of the Penal Code CAP 63 of the laws of Kenya.
2. The particulars of this offence are that on the 13th day of July, 2012 at stage 44 Marsabit Township in Marabit Central District within Eastern Province, the Applicant murdered Fatuma Bakala.
3. The case was heard fully and the Applicant was found guilty of the offence. He was consequently convicted of it and sentenced to life imprisonment on 20th November, 2018.
4. In this application the Applicant is praying for a determinate sentence on the grounds that:-
 1. He is deeply remorseful, repentant and regret his actions from the bottom of his heart.
 2. He is a first offender.
 3. He has made efforts to reconcile with the family of the deceased.
 4. He is reformed and rehabilitated through the prison integrated correctional and rehabilitation programs, which has improved his overall character.
 5. He has been in custody for 7 years which should be weighed as part of his sentence.
 6. The Court be pleased to grant a determinate sentence.
 7. He is now an old man aged 71 years.



8. He is a family man with many dependants.
9. Any other factor the Court may deem fit be considered in his favour.

The Respondent opposed the Application on the grounds that this court lacks jurisdiction to review a decision by a Court of concurrent jurisdiction and also given that life imprisonment means imprisonment for life and not a definite period.

5. The issues arising for determination are:-
 1. Whether this court has jurisdiction to review a sentence imposed by a Court of concurrent jurisdiction.
 2. Whether a sentence of life imprisonment under Kenyan law is for a definite period or for the remainder of the convict's life.
6. It is trite law that a Court cannot sit on appeal or review the decision of another Court of concurrent jurisdiction. The High Court has equal Jurisdiction across stations and divisions. A Judge of the High Court therefore lacks jurisdiction to review or alter a sentence imposed by another High Court Judge.
7. Section 362 and 364 of the Criminal Procedure Code (Cap 75) confer revisionary powers upon High Court only over Subordinate Courts. There is no corresponding power to review or revise the decision of another High Court. In Joseph Njoroge –vs- Republic [2018] e KLR, the Court held that:-
8. A Judge of concurrent jurisdiction cannot purport to sit on appeal or review the decision of another Judge of the same Court. The proper remedy lies in an appeal to the Court of Appeal.”
9. Similarly, in Republic –vs- Karisa Chengo and 2 others [2017] e KLR, the Supreme Court emphasized that jurisdiction flows from *akn ke act 2010 constitution the Constitution* and the law, and cannot be arrogated by a court.
10. Accordingly this Court lacks jurisdiction to review or alter the life imprisonment sentence imposed by another High Court Judge.
11. On the second issue, “ life imprisonment” has been settled by the decision of Supreme Court in the Republic –vs- Ayako, Petition No. E002 of 2024 [2025] KESC 20 (KLR) . Its therefore vivid that life imprisonment in Kenya means imprisonment for the rest of the prisoner's life.
12. Probably what the Applicant should do or should have done is to file a Petition to power of Mercy Advisory Committee (PMAC) for clemency by the President.
13. The bottom line is that the application lacks merit is hereby dismissed.

DATED AND DELIVERED AT MERU THIS 12TH DAY OF NOVEMBER, 2025

S.M. GITHINJI

JUDGE

Appearances:

Applicant – Present in Naivasha Maximum Prison.

Ms. Adhi for the state.

