

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERICHO
MISC. CRIMINAL APPLICATION NO. E012 OF 2025

IRENE CHEPKOECH LANGAT.....
APPLICANT

- V E R S U S -

REPUBLIC.....RESPONDEN
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RULING

1. ***Irene Chepkoech Lang'at***, the Applicant herein was tried and convicted for the offence of Arson Contrary to Section 332 (a) of the Penal Code and was sentenced to serve five (5) years imprisonment.
2. She is now before this Court vide the Application undated seeking for a sentence review under Section 363 and 364 of the Criminal Procedure Code. The Applicant averred that she was convicted without an option of a fine and that she has been in custody since 20th November, 2023.
3. She further stated that she utilized rehabilitation programmes available within the Prison and that she is remorseful.
4. Masisa, Learned Prosecution State Counsel did not make any submissions but instead left it to the discretion of the Court.

5. It is clear to this Court that the Applicant is simply beseeching this Court to exercise its supervisory power of revision to interfere with the sentence imposed by the Trial Court. This Court is mandated under Section 362 C.P.C. call for and examine the record of any Criminal Proceedings before any Subordinate Court for purposes of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceedings of any such Subordinate Court.
6. However, there is a limitation to the exercise of this discretion. Section 364 (5) of the Criminal Procedure Code expressly states that when an Appeal lies from a finding, a sentence or order and no appeal is brought, no proceedings by way of revision shall be entertained at the insistence of the party who could have appealed.
7. It is not in dispute that the Applicant filed an Appeal i.e. ***Kericho HCCR.A No.E039 of 2023 - Irene Chepkoech Lang'at -vs- Republic*** to challenge the order on conviction and sentence in ***Kericho CMC.CR.C. No.E068 of 2022 - Republic -vs- Irene Chepkoech Lang'at.***

8. On 20th October, 2025, the Applicant orally successfully applied to withdraw her Appeal. As of now, there is no Appeal pending.

9. It is not in dispute that the applicant personally applied for a sentence review. The applicant's application for review/Revision contravenes Section 364 (5) of the Criminal Procedure Code. This Court is not permitted to entertain such an application at the insistence of the Applicant.

10. I find the instant application to be improperly before this court. The same is hereby ordered struck out.

**Dated, signed and delivered at Kericho this 13th day
of November, 2025.**

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**J. K. SERGON
JUDGE**

In the Presence of:-

C/Assistant - Rutoh

Applicant - Present in Person