



REPUBLIC OF KENYA



KENYA LAW
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**Oduor v Republic (Criminal Revision E169 of 2025)
[2025] KEHC 16276 (KLR) (11 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16276 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E169 OF 2025
DR KAVEDZA, J
NOVEMBER 11, 2025**

BETWEEN

SAMUEL OTSIEMO ODUOR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged before the lower court with the offence of Robbery with Violence contrary to Section 295(1) as read with Section 296(2) of the Penal Code. He was convicted and sentenced to death. Being dissatisfied with the outcome, he filed an appeal before the High Court at Milimani in HCCRA No. 104 of 2016, which was dismissed. He later lodged another appeal which he withdrew, and subsequently filed an application for sentence review before the High Court at Kibera. That application was dismissed.
2. The applicant again filed another sentence review application, registered as Kibera HCCR E061 of 2025, which was determined on 9th June 2025 by Hon. Lady Justice Diana Kavedza. In her ruling, the learned Judge directed that the applicant should not file any further application of a similar nature without first obtaining leave of the court.
3. Notwithstanding that order, the applicant has now filed the present application dated 18th September 2025 seeking yet another review of his sentence. He contends that he has spent nine months in prison and considers that period sufficient rehabilitation. He therefore prays for a non-custodial sentence.
4. I have considered the application, the grounds advanced, and the record of the previous proceedings. The issue of the applicant's sentence has been previously heard and conclusively determined by the High Court. The court became functus officio upon pronouncing itself on the matter, and cannot now reopen, reconsider, or alter a decision that has already been finally adjudicated.



5. Once the High Court has determined a criminal appeal or revision, any further challenge to the conviction or sentence properly lies before the Court of Appeal. This court therefore lacks jurisdiction to entertain or review the matter further.
6. In light of the foregoing, I find that this application is improperly before the court, misconceived, and incompetent. The proper forum for the applicant to seek redress is the Court of Appeal.
7. The application dated 18th September 2025 is accordingly dismissed.
Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 11TH DAY OF NOVEMBER 2025

D. KAVEDZA

JUDGE

