



REPUBLIC OF KENYA



KENYA LAW
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**Nyandolo v Republic (Criminal Revision E063 of 2025)
[2025] KEHC 16972 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16972 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CRIMINAL REVISION E063 OF 2025
FN MUCHEMI, J
NOVEMBER 13, 2025**

BETWEEN

EDWIN OTONDI NYANDOLO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant in his application for review of sentence prays for review of sentence arguing that it is harsh and excessive. He states that he was convicted in Thika CM Criminal Case No E696 of 2022 of eight counts of stealing stock contrary to Section 278 of the Penal Code. He states that he was convicted on his own plea of guilty of the offences on 07/03/2024 and convicted as follows: -

Count 1

2. On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole three cows and fifteen goats all valued at Ksh.210,000.00, the property of Henry Ndirangu Gathecha.

Count II

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole three cows valued at Ksh.150,000.00, the property of Ruth Kinya Mungai.

Count III

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole one cow valued at Ksh.60,000.00, the property of Martha Njoki Chege.



Count IV

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole one cow valued at Ksh.45,000.00, the property of Elizabeth Wangui Kuria. .

Count V

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole eleven cows valued at Ksh.440,000.00, the property of John Gakome Wanyoike.

Count VI

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole two cows valued at Ksh.70,000.00, the property of Kelvin Mwangi.

Count VII

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole two cows valued at Ksh.50,000.00, the property of John Kinyanjui Waichari.

Count VIII

On the 4th day of March 2022 at Ndarasha area, Thika Location, Juja Sub County within Kiambu County, with others not before court stole six cows and six goats valued at Ksh.210,000.00, the property of Simon Karugia Muigai.

At the beginning of the trial, the appellant pleaded not guilty to all the charges. Thereafter, he opted to change plea after six prosecution witnesses had testified. Accordingly, the appellant was convicted on his own plea of guilt and sentenced to imprisonment as follows: -

Count 1

A fine of Ksh.210,000.00 in default three years imprisonment.

Count 2

A fine of Ksh.150,000.00 in default 2½ years imprisonment.

Count 3

A fine of Ksh.60,000.00 in default nine months imprisonment.

Count 4

A fine of Ksh.45,000.00 in default 6 months imprisonment.

Count 5

A fine of Ksh.440,000.00 in default 5 years imprisonment.

Count 6

A fine of Ksh.70,000.00 in default 1 year imprisonment.

Count 7

A fine of Ksh.50,000.00 in default 8 months imprisonment.



Count 8

A fine of Ksh.210,000.00 in default 3 years imprisonment.

3. The record shows that the applicant appealed against both conviction and sentence to the High Court Thika Criminal Appeal No. E015 of 2024. The appeal was dismissed for lack of merit by judge Tabitha Ouya delivered on 29th May 2025. The applicant admits in his supporting affidavit that his appeal was dismissed by the High Court on 29th May 2025.
4. The applicant urges this court to review his cumulative sentences downwards claiming that the same are harsh and excessive. He also prays for an order for the said sentence to run concurrently.
5. The issue that arises is whether the applicant has a legal basis of approaching this court for a remedy given that his appeal was fully heard on the same issues of sentence and dismissed for lack of merit.
6. Article 50 (2) (q) of *the Constitution* provides: -
 - (2) Every accused person has the right to a fair trial, which includes the right: -
 - (q) If convicted, to appeal to, or apply for review by a higher court as prescribed by law.
7. The law allows a convict only one option under Article 50 (2), that is either a review to a higher court or an appeal. The applicant has already exhausted his rights under Article 50 (2) (q) and has no remedy that this court can give by way of review.
8. It is my finding that this application has no legal basis and in my view, it is misconceived and not properly before this court.
9. I hereby strike out this application with no order as to costs.
10. It is hereby so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 13TH DAY OF NOVEMBER 2025.

F. MUCHEMI

JUDGE

