



REPUBLIC OF KENYA



KENYA LAW
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**Chesori v Republic (Criminal Revision E339 of 2024)
[2025] KEHC 17842 (KLR) (11 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17842 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CRIMINAL REVISION E339 OF 2024
MS SHARIFF, J
NOVEMBER 11, 2025**

BETWEEN

WINSOR SEGERO CHESORI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Winsor Segero Chesori was charged as the 1st accused in Bungoma Senior Principal Magistrate's court criminal case No 62 of 1997, of the offense of robbery with violence contrary to Section 296 (2) of the Penal Code. He also faced one count of assault causing actual bodily harm contrary to Section 251 of the penal code, one count of malicious damage to property contrary to section 339 (1) of the Penal Code, one count of possession of suspected stolen property contrary to Section 322 of the Penal Code and two counts of being in possession of an AK 47 rifle and six rounds of ammunition contrary to Section 4 of The *Firearms Act* Chapter 114 laws of Kenya.
2. At the conclusion of the trial, the applicant was convicted of two counts of robbery with violence and the last two counts under The *Firearms Act*. The applicant was sentenced to death on counts 1 and 2. He was sentenced to 7 years custodial terms on counts 6 and 7. His sentence on counts 2, 6 and 7 was held in abeyance.
3. Being dissatisfied with the decision of the trial court, the applicant moved the High Court vide Bungoma HCCRA No 203 of 1997. His appeal was dismissed and he then filed a second appeal in the court of appeal vide Court of Appeal CRA No. 83 of 2009, which was unsuccessful.
4. Upon exhausting all his avenues of appeal, the applicant approached this court vide Bungoma HCCR Misc. Application No. 85 of 2019. This application was for the hearing of his sentence. On 10th May 2022 my brother Justice S. N. Riechi dismissed it.



5. The Applicant did not tire, he has now brought a similar application for review of his sentence. The respondent has filed submissions in opposition thereto while the Applicant made oral submissions. The gist of his application is that he has served a substantial term in custody yet he only stole Ksh 1700/-. He maintains that he had been adequately punished, that he is reformed, rehabilitated and is remorseful. He craves that this court considers releasing him so as to enable him rejoin his family.
6. Given that the Applicant had already made a similar application which was duly determined by my brother Justice Riechi on merit, this court is *functus officio* and I cannot purport to sit on appeal of the ruling of my said brother Judge.
7. It is instructive to note that the Applicants death sentence was commuted to a life sentence by his excellence the President of the Republic of Kenya.
8. On the balance I do find that for reasons already state, this application is without merit and is at best an abuse of court process. Litigation must come to an end. I therefore dismiss this application in its entirety.
9. This file is hereby marked as closed.
10. It is hereby so ordered.

DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 11TH DAY OF NOVEMBER, 2025.

MWANAISHA S. SHARIFF

JUDGE

