

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT ISIOLO
CRIMINAL REVISION E008 OF 2025

JOHN
NAKUSI
.1ST APPELLANT

KENNEDY
MWENDA.....**2ND**
APPELLANT

MOSES
THURANIRA**3RD**
APPELLANT

VERSUS

REPUBLIC
.....**RESPONDENT**

RULING

1. The Applicants were charged before the Isiolo Chief Magistrate’s Court with the offence of Robbery with Violence. They were convicted after a full trial and Sentenced to death. They moved to the high court under Meru High Court Criminal Appeal No. 32 of 2015 . The high court dismissed the Appeal. They later filed a petition before the same court, being petition No. E004 of 2024. The court set aside the death sentence and substituted it with 30 years imprisonment.
2. The Applicant have now approached this Court seeking for another review of sentence with a view of factoring in the period they had spent in custody

prior to conviction, pursuant to Section 333 (2) of the Criminal Procedure Code.

3. I have considered the Applicant's plea. The High Court jurisdiction on review, under both Article 165(6) and (7), of the constitution, and Sections 362 - 367 of the Criminal Procedure code is limited to review of orders of subordinate courts. Further Article 165 (6) expressly bars the High Court from supervision of *inter alia*, another High Court.
4. In the circumstances, since the Applicants are seeking for review orders made by another High Court Judge, then in terms of the aforesaid provisions of the Law, this court has no jurisdiction to entertain it.
5. Consequently, the application herein is hereby struck off, for want of jurisdiction.

Dated, signed and delivered virtually at Nairobi this 3rd day of December 2025.

Sophie Chirchir
Judge .

In the presence of :

Roba Katelo- court Assistant

The Applicants.

Mr. Ngetich for the Respondent.