



REPUBLIC OF KENYA



**Ngove v Republic (Criminal Revision E062 of 2025)
[2025] KEHC 18027 (KLR) (3 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18027 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL REVISION E062 OF 2025
AN ONGERI, J
DECEMBER 3, 2025**

BETWEEN

DANIEL KAGUTA NGOVE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Daniel Kaguta Ngove filed this Revision Application seeking review of his life imprisonment.
2. A brief history of the Applicant's case was that he was charged in the year 1998 in Voi Court in Voi SRM Case No. 73 of 1998 with the offence of robbery with violence contrary to Section 296(2) of the Penal Code and he was convicted and sentenced to death.
3. The Applicant appealed to the Court of Appeal vide Criminal Appeal No. 427 of 1998 and the appeal was dismissed on 5th July 2001.
4. The Applicant has been in custody for over 26 years.
5. His death sentence was commuted to life imprisonment.
6. The Applicant has now filed this application seeking review of the sentence.
7. The parties filed written submissions as follows; The Applicant did not file any submissions.
8. The Respondent, the Republic of Kenya, argues that the applicant's case should be dismissed in its entirety.
9. The core of their argument is that the High Court in Voi lacks the jurisdiction to hear the application.



10. The respondent points out that the applicant was convicted and sentenced to death for robbery with violence, a sentence which was later commuted to life imprisonment by the Head of State.
11. Crucially, the applicant has already exhausted the standard legal avenues for appeal, having had both his initial appeal to the High Court and a subsequent appeal to the Court of Appeal dismissed.
12. The respondent contends that the current application is an attempt to have the High Court review the decisions of its own judge of equal standing and the superior Court of Appeal, which it is not permitted to do. Citing specific case law, the respondent argues that a person whose appeal has already been heard by the High Court is not entitled to return to the same court to seek a fresh review or re-sentencing. Therefore, the respondent characterizes this application as an abuse of the court process and prays for it to be dismissed.
13. The applicant, Daniel Kaguta Ngove, sought a review of his life imprisonment sentence. The brief history of the case is that he was charged, convicted, and sentenced to death for the offence of robbery with violence in Voi SRM Case No. 73 of 1998.
14. His subsequent appeal to the Court of Appeal in Criminal Appeal No. 427 of 1998 was dismissed on 5th July 2001.
15. After his death sentence was commuted to life imprisonment, he filed the present application, having been in custody for over 26 years.
16. The parties filed written submissions. While the applicant did not file any, the respondent, the Republic, opposed the application in its entirety.
17. The core of the respondent's argument was that this court lacks the jurisdiction to hear the matter.
18. It was pointed out that the applicant had exhausted the standard legal appeals, having had both his initial appeal to the High Court and a further appeal to the Court of Appeal dismissed.
19. The respondent contended that the current application is an attempt to have this court review the decisions of a judge of equal standing and the superior Court of Appeal, which it is not permitted to do.
20. Relying on established case law, the respondent argued that a person whose appeal has been finally determined by the High Court is not entitled to return to the same court for a fresh review or re-sentencing.
21. The application was therefore characterized as an abuse of the court process.
22. This court has carefully considered the application. The principle that guides this court is settled and unequivocal.
23. The revisionary jurisdiction of the High Court, while broad, is not an appellate jurisdiction and cannot be used to sit in appeal over the decisions of a judge of equal and competent jurisdiction, let alone the decisions of the superior Court of Appeal.
24. Where the court held that once an appeal has been heard and determined by the High Court, the same court cannot entertain a subsequent application for re-sentencing or review in the same matter.
25. Furthermore, a litigant who has exhausted the appellate process cannot resort to revision to challenge a superior court's decision.
26. The decision of the Court of Appeal in this applicant's case is final and binding upon this court.
27. This court acknowledges the length of time the applicant has spent in incarceration.



28. However, the legal impediment presented by the principle of res judicata and the hierarchy of courts is insurmountable.
29. The application is, in essence, an attempt to re-litigate an issue that has been conclusively determined by a superior court and constitutes an abuse of the court process.
30. Consequently, and with regret, this court finds that it has no jurisdiction to entertain the application for revision.
31. The notice of motion is hereby struck out.
32. Orders to issue accordingly.

DATED, SIGNED AND DELIVERED THIS 3RD DAY OF DECEMBER 2025 IN OPEN COURT AT VOI HIGH COURT.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Millicent/Mabishi

State Counsel:.....

Applicant:

