

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
MISC. CRIMINAL APPLICATION NO. E153 OF 2025

MARY WAITHERA IRUNGU.....APPLICANT

VERSUS

REPUBLIC.....
.....RESPONDENT

RULING

1. The applicant, was tried and convicted of the offence of trafficking in narcotic drugs contrary to Section 4 (a) of the Narcotic Drugs and Psychotropic Substances (Control) Act, No. 4 of 1994. Upon her conviction, the appellant was sentenced to serve fourteen (14) years imprisonment. She challenged her conviction on appeal before this court vide Kibera Criminal Appeal no. 31 of 2023. On 8th December 2023 this court dismissed her appeal for lacking in merit.
2. Undeterred, the applicant subsequently filed Miscellaneous Criminal Application No. 30 of 2024, seeking clarification of the judgment delivered on 8th December 2023, specifically on the question of computation of time spent in remand custody. Upon hearing the application, this court delivered its ruling on 15th July 2024 and expressly directed that the applicant's sentence of fourteen (14) years' imprisonment be computed less by two (2) years, one (1) month, and fifteen (15) days. The court further ordered that the sentence would run from the date of conviction, having taken into full account the period the applicant had spent in remand custody. That ruling finally and conclusively settled the issue of sentence computation.
3. The applicant thereafter filed yet another application dated 11th November 2024, seeking review of her sentence. This court

revisited the record and the applicable law and, in a ruling delivered on 6th May 2025, dismissed the said application for being devoid of merit. The court found, correctly so, that no new issues had been raised to warrant interference with the lawful sentence already imposed and confirmed on appeal.

4. The applicant has now filed the present application dated 24th July 2025 once again seeking review of her sentence. The sole ground advanced is that the trial court and this court allegedly failed to consider the time she spent in remand custody pursuant to Section 333(2) of the Criminal Procedure Code. On the basis of that assertion, she prays for early release.
5. I have carefully considered the application, the grounds in support thereof, and the entire record of the proceedings. It is plain on the face of the record that the very issue now being raised was conclusively determined by this court in its ruling of 15th July 2024. The court not only addressed the question of time spent in remand custody but also gave a precise computation and binding directions on how the applicant's sentence was to be computed. That decision has neither been set aside nor appealed against. It remains valid and binding.
6. The present application is therefore a duplication of a matter already adjudicated upon. It is an abuse of the court process. Litigation must come to an end, and parties are not permitted to keep reintroducing the same issues before the court under the guise of fresh applications. This court has exhausted its jurisdiction on the question of the applicant's sentence, both on appeal and on review.

7. In the premises, I find that the application dated 24th July 2025 is frivolous, and an outright abuse of the court process. It is accordingly dismissed in its entirety.

**Ruling dated and delivered virtually this 5th day of
December 2025**

**D. KAVEDZA
JUDGE**

ORIGINAL