



**Kiplangat v Republic (Miscellaneous Criminal Application
E012 of 2025) [2025] KEHC 18661 (KLR) (17 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18661 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BOMET
MISCELLANEOUS CRIMINAL APPLICATION E012 OF 2025
JK NG'ARNG'AR, J
DECEMBER 17, 2025**

BETWEEN

BENARD KORIR KIPLANGAT APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant filed an undated Notice of Motion Application seeking a reduction of his sentence.

The Applicant's case

2. The Applicant stated that he was convicted for the offence of defilement contrary to section 8(1) as read with section 8(2) of the *Sexual Offences Act*. That he was sentenced to life imprisonment. The Applicant further stated that he appealed his conviction and sentence in this court vide Criminal Appeal Number E029 of 2022 and his life sentence was substituted with a sentence of 30 years imprisonment.
3. It was the Applicant's prayer that this court awards him a lenient sentence as provided for under Article 50(2) (p) (q) of *the Constitution* of Kenya.
4. The Application was opposed by the Respondent and they wanted the Application dismissed.

Analysis

5. From the Applicant's admission, he was convicted and sentenced to life imprisonment by the trial court. The Applicant's sentence was reduced to 30 years by this court upon Appeal though Criminal Appeal Number E029 of 2022. It is my view that once this court dealt with the Applicant's Appeal and



reduced his sentence, it became functus officio. The Applicant's recourse lay with the Court of Appeal and not this court. In *Elishipha Muthoni v Republic* [2022] KEHC 1410 (KLR) Chepkwony J. held: -

“The law abhors that practice of a Judge sitting to review a Judgment or decision of another Judge of concurrent jurisdiction. This is because the rule of the thumb is that courts cannot sit in review/appeal over decisions of their peers of equal and competent jurisdiction much less those courts of higher Jurisdiction than theirs.

The court which ought to deal with an issue arising out of the decision of this court is the Court of Appeal as it is the one with jurisdiction under Article 164(3) of *the Constitution* and Section 379(1) of the Criminal Procedure Code. This is in appreciating the provisions of Article 50(2)(q) of *the Constitution* of Kenya, 2010 which guarantees the right of a person if convicted, to appeal to, or apply for review by, a higher court as prescribed by the law.”

6. In the end, I find that this court has no jurisdiction to review the Applicant's sentence further. It is my further finding that the Application lacks merit and is hereby dismissed.

RULING DELIVERED, DATED AND SIGNED AT BOMET THIS 17TH

DAY OF DECEMBER, 2025.

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Hon. JULIUS K. NG'ARNG'AR

JUDGE

Ruling delivered in the presence of:

Siele/Susan (Court Assistants).

N/A for the Applicant

Ms Koech for the Respondent

(Notice to issue to the applicant and file is closed).

