



REPUBLIC OF KENYA



**Makhanu v Republic (Criminal Appeal E096 of 2025)  
[2025] KEHC 18280 (KLR) (9 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18280 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL APPEAL E096 OF 2025  
DR KAVEDZA, J  
DECEMBER 9, 2025**

**BETWEEN**

**ELIZABETH NAFULA MAKHANU ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The appellant was charged and, after a full trial, convicted by the Subordinate Court of the offence of robbery with violence contrary to section 296(2) of the Penal Code, Cap 63 Laws of Kenya. She was sentenced to serve twenty (20) years' imprisonment.
2. She filed an appeal challenging her conviction and sentence before this court in Kibera High Court Criminal Appeal No. E080 of 2024 (Elizabeth Nafula Makhanu vs Republic). On 11<sup>th</sup> day of March 2025 this court found the appeal to be lacking in merit and dismissed.
3. The appellant has now presented this fresh appeal, once again challenging the same conviction and sentence arising from the same trial.
4. The record clearly demonstrates that this court has already exercised its appellate jurisdiction over the matter and rendered a final determination. This court is therefore functus officio. Any further challenge lies only before the Court of Appeal.
5. In the circumstances, the present appeal is incompetent and amounts to a clear abuse of the court process. It is accordingly dismissed.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 9<sup>TH</sup> DECEMBER 2025**

**D. KAVEDZA**



## **JUDGE**

In the presence of:

Appellant Present

Mutuma for the Respondent

Karimi Court Assistant.

