



REPUBLIC OF KENYA



KENYA LAW
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**Mwenda v Republic (Criminal Revision E007 of 2025)
[2025] KEHC 18186 (KLR) (Crim) (3 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18186 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ISIOLO
CRIMINAL
CRIMINAL REVISION E007 OF 2025
SC CHIRCHIR, J
DECEMBER 3, 2025**

BETWEEN

TIMOTHY MWENDA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Through the Notice of Motion dated 3.4.2025 the Applicant seeks for revision of sentence. He states that he was charged at the Chief Magistrate’s Court with the offence of Defilement Contrary to Section 8(3) of the *Sexual Offences Act* and was convicted to serve a prison term of 10 years.
2. He lodged an appeal before the Meru High Court but lost the appeal on both the conviction and the sentence. He now seeks for a review of sentence, urging the court to consider the time served and the rehabilitation programme he has undertaken, which programme have made him reform.
3. The Respondent opposes the application. The Respondent states that there is no law providing for re-sentencing. It is also stated that this court does not have jurisdiction to entertain the instant application as the judgment on appeal was rendered by a court of concurrent jurisdiction.

Determination

4. The High Court’s Revision Jurisdiction is founded on Article 165(6) of the *Constitution* and Sections 362- 367 of the Criminal Procedure Code. Article 165 (6) expressly provides that the supervisory jurisdiction of the High Court is only limited to supervision of the subordinate courts, not other superior courts. Under Article 162(1) and (2) the superior courts are the “Supreme” Court, the Court of Appeal, the High Court and other courts of equal status as the High Court.



5. By his own admission the Applicant's Appeal was heard and determined by the Meru High Court, which is a 'superior court' and a court of concurrent jurisdiction as this court. This court therefore has no jurisdiction to review the orders of Meru High Court.
6. Consequently, for want of jurisdiction, this application is hereby struck off.

DATED SIGNED AND DELIVERED VIRTUALLY AT ISIOLO THIS 3RD DAY OF DECEMBER 2025.

S. CHIRCHIR

JUDGE.

In the presence of:

The Applicant

Mr. Ngetich for the Respondent.

