



**Sitoya v Republic (Criminal Revision E045 of 2025)  
[2025] KEHC 19185 (KLR) (18 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 19185 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAJIADO  
CRIMINAL REVISION E045 OF 2025  
CW MEOLI, J  
DECEMBER 18, 2025**

**BETWEEN**

**JOSHUA KOIKAI SITOYA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Arising from original conviction and sentence in Criminal  
Case No. 44 of 2015 of the High Court of Kenya at Kajiado)*

**RULING**

1. The Applicant, Joshua Koikai Sitoya was tried by this court (Nyakundi J) in HCRC NO. 44 of 2015 for the offence of Murder contrary to Section 203 as read with Section 204 of the Penal Code.
2. At the close of the trial, he was found guilty and convicted on the lesser charge of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code.
3. On 21.04.2017, he was sentenced to serve 25 years imprisonment. He subsequently lodged an appeal, being Criminal Appeal No. 144 of 2018, to the Court of Appeal. It is not clear whether the appeal has been determined or the outcome thereof. By his application dated 10.11.2025, the Applicant has sought revision of his sentence under Section 364 of the Criminal Procedure Code. Primarily on the basis that the sentence already served is adequate punishment, and that his family and the victim family have initiated reconciliation and consequently the victim family was compensated.
4. The provisions of Section 364 of the Criminal Procedure Code (which provides the range of orders the High Court can make in exercise of its revision power) must be read in tandem with Section 362 of the Criminal Procedure Code, the latter which provides as follows: - "362. Power of High Court to call for records



The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court.”

5. It is readily evident from the foregoing that, the jurisdiction of this court to call for records under section 362 of the Criminal Procedure Code and to make orders pursuant to Section 364 of the Criminal Procedure Code, is confined to a finding, sentence or order made in proceedings before a subordinate court.
6. The sentence which is the subject of the application dated 10<sup>th</sup> November 2025 was passed by this court (Nyakundi J). Neither Section 362 nor 364 of the Criminal Procedure Code empowers this court to revise orders made by itself in the manner proposed by the Applicant. The court therefore has no jurisdiction to entertain the application dated 10<sup>th</sup> November 2025. It is hereby struck out.
7. This ruling to be immediately uploaded on the Case Tracking System (CTS) and served on the Applicant through the G.K. Prison, Kitengela.
8. The revision file to be closed.

**DELIVERED AND SIGNED ELECTRONICALLY AT KAJIADO ON THIS 18<sup>TH</sup> DAY OF DECEMBER 2025.**

**C. MEOLI  
JUDGE**

