



**Kagendo v Republic (Criminal Revision E354 of 2023)
[2026] KEHC 477 (KLR) (28 January 2026) (Judgment)**

Neutral citation: [2026] KEHC 477 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL REVISION E354 OF 2023
SM GITHINJI, J
JANUARY 28, 2026**

BETWEEN

JOYCE KAGENDO APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The Applicant herein, one Joyce Kagendo was initially charged with the offence of Murder, contrary to Section 203 as read with Section 204 of the Penal Code, Cap 63 Laws of Kenya.
2. The particulars of this offence are that on 17th day of October, 2017 at Kiagu Location Abothuguchi East in Imenti Central Sub-County, within Meru County, the Applicant murdered Stephen Mwirigi.
3. I infer from the filed copy of her sentencing, that she opted to plead guilty to a lesser charge of manslaughter.
4. Justice Mabeya while sentencing her on 16/5/2019 observed the following;
 - “ 1.
 2. I have considered that she has been in remand since 2017.
 3. However, by her brutal act, she caused the loss of life of her husband, the loving father of her children probably. The facts disclose that she may have dispatched her husband to his maker to allow her continue the illicit affair which she was in.
 4. A life was brutally lost.
 5. A severe sentence is required. Life is the proposed sentence by law.



6. However, having agreed to plead to a lesser charge she has saved the Court a lot of time.
 7. The victim impact is negative of her.
 8. Taking into consideration all the foregoing, I sentence the accused to fifteen (15) years imprisonment.”
5. In her Notice of Motion dated 3rd day of October 2023, she urges this Court to consider the mitigating factors, review the sentence awarded with a non-custodial sentence.
 6. The application is opposed by the Respondent on the ground that this Court lacks jurisdiction to review a sentence of a Court of concurrent jurisdiction.
 7. The High Court revision powers are founded on Section 362 and 364 of the Criminal Procedure Code (cap. 75). The Section empowers the High Court to call for and examine the record of Criminal proceedings before any Subordinate Court to satisfy itself about legality, correctness, propriety or regularity.
 8. These revision powers do not extend to decisions of Court of Concurrent jurisdiction. In *John Gichovi Muturi –vs- Republic (2021) KEHC 5783 (KLR)*, it was confirmed that High Court revision jurisdiction is confined to Subordinate Courts, not to reviewing another High Court’s decision.
 9. I therefore agree with the Respondent view that I do not have jurisdiction to entertain the application. The same is dismissed for want of jurisdiction. File is closed.

DATED AND DELIVERED AT MERU THIS 28TH DAY OF JANUARY, 2026.

S.M. GITHINJI

JUDGE

Appearances:

Applicant – Present at Meru Women G. K. Prison

Ms. Adhi for ODPP – Present.

