



REPUBLIC OF KENYA



KENYA LAW
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**Anyona v Republic (Miscellaneous Criminal Case E010 of 2026)
[2026] KEHC 2849 (KLR) (24 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2849 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
MISCELLANEOUS CRIMINAL CASE E010 OF 2026**

TW CHERERE, J

FEBRUARY 24, 2026

**IN THE MATTER OF: SECTIONS 323, 329 AND 333(2) OF THE CRIMINAL
PROCEDURE CODE AND IN THE MATTER OF: ARTICLES 22, 23,
50(2)(P) AND 165(3) OF THE CONSTITUTION OF KENYA, 2010**

BETWEEN

GEOFFREY OGETO ANYONA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was tried, convicted and sentenced by this Court to thirty (30) years' imprisonment for the offence of murder in Republic v Geoffrey Ogeto Anyona [2019] KEHC 5381 (KLR).
2. Being dissatisfied with both conviction and sentence, he preferred an appeal to the Court of Appeal in Anyona v Republic [2025] KECA 1785 (KLR). The appeal was dismissed in its entirety and the sentence of thirty (30) years' imprisonment was upheld.
3. The Applicant has now moved this Court by Notice of Motion dated 03rd February 2026 seeking review and reduction of sentence, consideration of time allegedly spent in custody, and resentencing on grounds of mitigation, rehabilitation, age and family responsibilities.
4. The sole issue for determination is whether this Court has jurisdiction to entertain the application.
5. This Court exercised original jurisdiction in the trial and sentencing of the Applicant. The appellate process was subsequently invoked and culminated in a final determination by the Court of Appeal affirming both conviction and sentence.
6. Once the appellate court pronounced itself on the matter and upheld the sentence, the decision now in force is one affirmed by a superior court.



7. This Court cannot review, vary or interfere with a sentence that has been expressly considered and upheld by the Court of Appeal. To do so would amount to sitting on appeal over a superior court, which jurisdiction this Court does not have.
8. The statutory and constitutional provisions cited by the Applicant do not confer jurisdiction upon this Court to reopen or reconsider a sentence that has already been the subject of appellate adjudication and affirmation.
9. In the circumstances, I find that this Court lacks jurisdiction to entertain the present application.
10. The Notice of Motion dated 03rd February 2026 is hereby dismissed for want of jurisdiction.

DELIVERED AT NYAMIRA THIS 24TH DAY OF FEBRUARY 2026

WAMAE.T. W. CHERERE

JUDGE

Appearances

Court Assistant - Hilda

Applicant - Present

For the DPP - Mr. Chirchir (SADPP)

