



**Nyang'au v Republic (Criminal Miscellaneous Application
E004 of 2026) [2026] KEHC 2711 (KLR) (24 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2711 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL MISCELLANEOUS APPLICATION E004 OF 2026
TW CHERERE, J
FEBRUARY 24, 2026**

BETWEEN

DANIEL ONDIEKI NYANG'AU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before this Court is the Notice of Motion dated 12th January 2026 brought under section 333(2) of the Criminal Procedure Code, in which the Applicant seeks that the period allegedly spent in remand custody be considered in computation of his sentence.
2. The Applicant was charged, tried and convicted in Nyamira MCSO No. 849 of 2017 and sentenced to serve a custodial term. He now seeks revision of sentence on the ground that the remand period was not taken into account.
3. It is not lost to this Court that the Applicant previously filed a similar application seeking identical reliefs. That application was considered and determined in Nyang'au v Republic (Criminal Revision E113 of 2023) [2024] KEHC 5164 (KLR) (25 April 2024), where the Court rendered itself on the issue.
4. The present application raises no new matters. It is substantially similar to the earlier application that was heard and dismissed. The Applicant is, in effect, inviting this Court to sit on appeal over its own decision rendered in the earlier revision proceedings.
5. The doctrine of finality in litigation exists to prevent endless re-litigation of the same issues. Courts cannot permit parties to file repetitive applications seeking to re-open matters that have already been conclusively determined.



6. A litigant who persistently files identical applications after a court has pronounced itself engages in an abuse of the court process. Such conduct clogs the judicial system and undermines the principle of orderly administration of justice.
7. This Court cannot entertain successive applications seeking the same relief in the absence of new and compelling circumstances. To do so would offend the principle of finality and amount to re-litigation of a matter already decided.
8. I therefore find that the present application is not only devoid of merit but constitutes an abuse of the court process.
9. Accordingly, the Notice of Motion dated 12th January 2026 is hereby dismissed.

DELIVERED AT NYAMIRA THIS 24TH DAY OF FEBRUARY 2026

WAMAE.T. W. CHERERE

JUDGE

Appearances

Court Assistant - Hilda

Applicant - Present

For the DPP - Ms. Kiptanui

