

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT LODWAR**  
**CRIMINAL REVISION NO. E017 OF 2025**

**(From Original Conviction and Sentence in criminal case No.E148 OF 2019**

NSENGIYUMWA ERASTA.....  
APPLICANT

VERSUS

REPUBLIC .....  
RESPONDENT

**RULING ON REVISION**

1. The Applicant was charged with the offence of robbery with violence, was tried, convicted and sentenced to serve a death sentence. He then appealed in Lodwar **HCCR Appeal No. E001 of 2021**. That appeal was heard on the merits and by a judgment dated 17/04/2024, the appeal against conviction was dismissed for lack of merits. However, the appeal against sentence was allowed and the death sentence was substituted with a prison term of 30 years to be computed from the 18.12.2020, in accordance with section 333(2) Criminal Procedure Code.
3. The Appellant has come back to court through the Notice of Motion dated 22.01.2025 seeking that the court revises the sentence in accordance with sections 362 as read with 364 of the Criminal Procedure Code.
4. The court being aware that the appellant has in the past had an appeal heard and determined on the merits, takes the view that there is no other chance for the applicant to challenge its sentence before this very court. The power of the court on revision under sections 362 and 364 are only exercisable against decisions of the lower court. The court has no power under the law cited to revise its own decisions

5. Having handled and determined both revision and appeal, the court is now functus officio with the consequence that the application lacks merits and is thus dismissed. Let the court file be closed.

Dated, signed and delivered at Lodwar, this 9th day of April, 2026.



Patrick J O Otieno

Judge

Original