

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KIBERA**

**MISC CRIMINAL APPLICATION NO. E052 OF 2026**

MARK LITIEMA MANGALA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDE  
NT

**RULING**

1. The applicant was charged and after a full trial convicted for the offence of robbery with violence contrary to section 296(2) of the Penal Code. He was sentence to death and sentence commuted to life imprisonment. This court revised the sentence to thirty years imprisonment.
2. The appellant has now presented this fresh application seeking a further sentence review.
3. The record clearly demonstrates that this court has already exercised its jurisdiction over the matter and rendered a final determination. This court is therefore functus officio. Any further challenge lies only before the Court of Appeal.
4. In the circumstances, the present appeal is incompetent and amounts to a clear abuse of the court process. It is accordingly dismissed.

Orders accordingly.

**Ruling dated and delivered virtually this 23<sup>rd</sup> day of April**

**2026**

**D. KAVEDZA**  
**JUDGE**

ORIGINAL