

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT VOI

CRIMINAL REVISION NO. E006 OF 2026

KENNEDY WAMBUA MUSIMI.....

APPLICANT

=VERSUS=

REPUBLIC.....

RESPONDENT

RULING

1. Application made under Section 347 of Criminal Procedure Code and the Applicant seeks for leave to appeal out of time.
2. This prayer was not opposed by the Respondent.
3. The Applicant also prays for revision of sentence. The Prosecutor/Respondent opposed the application and stated that there were no flaws in the proceedings in the trial court. The charge was read out in Kiswahili in a language he understood. The Applicant pleaded guilty to the Charge and was duly sentenced after mitigation was allowed.
4. This Court is satisfied that there was no fault or flaw in the proceedings before the lower court therefore there are no

good grounds for this Court to invoke the provisions of Section 362 or 364 of the Criminal Procedure Code.

FINDINGS AND DETERMINATION

5. This Court makes the following findings and determinations:-

- (i) The application is partially merited.
- (ii) Leave be and is hereby granted to the Applicant to file his appeal out of time.
- (iii) Prayer for revision of his sentence is disallowed.
- (iv) File be marked as closed.

Orders accordingly.

Dated, signed and delivered this 5th day of May 2026 in open court at Voi High Court.

ABIGAIL MSHILA

JUDGE

In the presence of:-

Court Assistant: Millicent/Eghwa

Prosecutor: Ms. Kanyuira

The Applicant present in person in custody