



**Muibau v ODPP (Criminal Revision E1385 of 2024)  
[2025] KEHC 1705 (KLR) (Crim) (26 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1705 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL  
CRIMINAL REVISION E1385 OF 2024  
AM MUTETI, J  
FEBRUARY 26, 2025**

**BETWEEN**

**PETER KARIUKI MUIBAU ..... APPLICANT**

**AND**

**THE ODPP ..... RESPONDENT**

**RULING**

1. The applicant in this matter was charged with the offence of murder under Section 203 as read with 204 of the *Penal Code*.
2. On 24<sup>th</sup> September 2009 the applicant was convicted and sentenced to death. He later moved this court for resentencing and the learned Honorable Lady Justice Mutende sentenced him to serve 30 years imprisonment.
3. He now seeks to have the court revisit the issue of sentence and consider reducing it further. His main argument is that he is left with one year to serve.
4. The state is opposed to reopening of the matter citing the fact that a judge of concurrent jurisdiction hearing re-sentenced the accused to 30 years imprisonment, this court lacks jurisdiction to entertain any application for further review of the sentence. It is clear that the applicant has come to this court under the provisions of Article 165 of the *Constitution* and Sections 362 367 of the *Criminal Procedure Code* basically seeking a revision.
5. The Law is that the Revisionary jurisdiction of the High Court is only exercisable by this court as against decisions of tribunals exercising quasi- judicial powers or lower court's that are subject to the supervisory jurisdiction of the High Court.



6. The High Court cannot review a decision of a High Court Judge purporting to exercise supervisory jurisdiction under the stated provisions.
7. The court therefore agrees with the submissions by counsel for the state that this court lacks jurisdiction to entertain the application thus following in the wisdom of the decision of the Court of Appeal in the case of *Owners of Motor Vessel Lilians v Caltex Oil (K) Ltd* (1989) eKLR this court cannot take any one more step in this matter. The court hereby downs its tools.
8. The application by the applicant is therefore struck out.
9. It is so ordered.

**DATED, SIGNED AND DELIVERED IN VIRTUAL COURT AT NAIROBI THIS 26TH DAY OF FEBRUARY, 2025.**

**A. M. MUTETI**

**JUDGE**

In the presence of:

Kiptoo: Court Assistant

Ms Ogada for the state

Applicant present

