



REPUBLIC OF KENYA



**KENYA LAW**  
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**Amudavi v Republic (Criminal Appeal E057 of 2024)  
[2025] KEHC 3679 (KLR) (25 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3679 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL APPEAL E057 OF 2024  
DR KAVEDZA, J  
MARCH 25, 2025**

**BETWEEN**

**JACKSON AMUDAVI ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The appellant was charged and after a full trial convicted for the offence of defilement contrary to section 8(1) as read with section 8(2) of the [Sexual Offences Act](#), No. 3 of 2006. He was sentenced to serve, twenty (20) years imprisonment, less two (2) years and thirty-five (35) days spend in remand custody.
2. Aggrieved he filed an appeal which was heard and dismissed by Hon Justice Mulwa on 10<sup>th</sup> March 2023 (Nairobi Criminal Appeal No. E042 of 2018).
3. He filed the present appeal seeking similar orders. The appeal was however erroneously listed for hearing and determination.
4. From the record, this court already heard the appellant's appeal against his conviction and sentence. It is trite law that the jurisdiction of courts in Kenya is always conferred by the [Constitution](#) or other written laws and that a Court of law can only exercise jurisdiction as conferred by the [Constitution](#) or other written law. A court of law cannot arrogate to itself jurisdiction exceeding that which is conferred upon it by law. The jurisdiction of the High Court includes; unlimited original jurisdiction in criminal and civil matters; jurisdiction to enforce the bill of rights; appellate jurisdiction; interpretative jurisdiction; any other jurisdiction, original or appellate, conferred on it by legislation; and supervisory jurisdiction.
5. In the circumstances, the right forum for the appellant is the Court of Appeal. As such, the appeal is dismissed for lack of jurisdiction.



Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 25<sup>TH</sup> DAY OF MARCH 2025**

**D. KAVEDZA**

**JUDGE**

In the presence of:

Appellant Present

Mutuma for the Respondent

Tonny Court Assistant.

