



**Kitai v Republic (Criminal Petition E018 of 2020)  
[2025] KEHC 5157 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5157 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL PETITION E018 OF 2020  
RN NYAKUNDI, J  
APRIL 29, 2025**

**BETWEEN**

**ROBERT SITUMA KITAI ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

- From the record, the petitioners had filed an appeal before this court presided over by the session Judge, Olga Sewe who pronounced herself as follows:  
  
“That in the result, I find no merit in the appeal and will accordingly dismiss it”
- “Thereafter, a Notice of motion was filed on resentencing dated 7<sup>th</sup> February, 2020. I have considered the entire record, this matter is generally res judicata meaning that a court with concurrent jurisdiction has rendered a decision and therefore this court is bound by the judgment of that other. The cause of action on resentencing premised as a petition to hear and determine the issues on sentence fails the threshold set out in Art. 50 (6) (a) & (b) of *the Constitution*.
- The petition stands dismissed for want of jurisdiction under section 382 of the *Criminal Procedure Code*.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 29<sup>TH</sup> DAY OF APRIL 2025.**

.....

**R. NYAKUNDI**

**JUDGE**

