



**Matasa v Republic (Constitutional Petition E001 of 2025)
[2025] KEHC 9171 (KLR) (25 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9171 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CONSTITUTIONAL PETITION E001 OF 2025
AN ONGERI, J
JUNE 25, 2025**

BETWEEN

DOMINIC MBOGO MATASA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner was sentenced to life imprisonment on 31st March 2015.
2. He appealed to the High Court and his appeal was dismissed via HCRA No. 35 of 2015.
3. The Petitioner is now seeking resentencing in this Petition.
4. The Respondent opposed the Petitioner’s case on several grounds, arguing that the court lacks jurisdiction to grant the relief sought.
5. The Petitioner effectively requests a re-examination of a judgment already delivered by the Court of Appeal in Appeal No. 79 of 2022, a matter beyond this court’s authority.
6. Furthermore, since the Court of Appeal holds a superior position in the judicial hierarchy, this court cannot override its decision under the doctrine of stare decisis.
7. Additionally, the same subject matter was previously determined by this court in Appeal No. 35 of 2015, meaning the issue is already conclusively adjudicated, and a judge of equal standing cannot revisit it.
8. The Respondent also highlighted that the Petitioner has filed a parallel application—Revision Case No. E007 of 2025—containing identical pleadings and prayers, constituting an abuse of court process.
9. For these reasons, the Respondent urged the court to dismiss the Petitioner’s case without delay.



10. The sole issue for determination is whether the sentence should be reviewed.
11. Based on the facts presented, the court finds that the Petitioner's request for resentencing cannot be granted under Kenyan law.
12. The doctrine of stare decisis, a fundamental principle in Kenya's judicial system, obligates lower courts to adhere to decisions made by higher courts.
13. The Court of Appeal's dismissal of the Petitioner's appeal in HCRA No. 35 of 2015 and its subsequent decision in Appeal No. 79 of 2022 are binding on this court, as the Court of Appeal occupies a superior position in the judicial hierarchy.
14. This principle was affirmed in *Jasbir Singh Rai & 3 Others v. Tarlochan Singh Rai & 4 Others* [2014] eKLR, where the Supreme Court emphasized that lower courts must respect the precedents set by higher courts to maintain consistency and predictability in the law.
15. Additionally, the Petitioner's attempt to relitigate the same issue previously determined by this court in Appeal No. 35 of 2015 is barred by the doctrine of res judicata, as articulated in *Independent Electoral and Boundaries Commission v. Maina Kiai & 5 Others* [2017] eKLR.
16. The court held that once a matter has been conclusively decided, it cannot be reopened to challenge the same issues, as doing so would undermine judicial finality and waste court resources.
17. The Petitioner's parallel application in Revision Case No. E007 of 2025, which contains identical pleadings, further demonstrates an abuse of court process, as condemned in *Kenya Commercial Bank Ltd v. Muiiri Coffee Estate Ltd & Another* [2016] eKLR, where the court warned against multiplicity of suits on the same subject matter.
18. While the Petitioner seeks a review of his life sentence, Kenyan jurisprudence restricts such reconsideration unless there are exceptional circumstances, such as new evidence or a demonstrable miscarriage of justice, neither of which has been pleaded here.
19. The High Court's jurisdiction does not extend to overriding a valid appellate decision, as reaffirmed in *Republic v. Karisa Chengo & 2 Others* [2017] eKLR, where the court emphasized that sentencing reviews must align with statutory and precedential constraints.
20. For these reasons, the court finds no legal basis to grant the Petitioner's request for resentencing.
21. The Petition is hereby dismissed, and the Respondent's objections are upheld. The Petitioner is advised to pursue any further remedies through appropriate appellate channels, should they exist, rather than through duplicative litigation.

DATED, SIGNED AND DELIVERED THIS 25TH DAY OF JUNE 2025 IN OPEN COURT AT VOI HIGH COURT.

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Millicent

