



Kobia v Republic (Petition E064 of 2023) [2025] KEHC 11708 (KLR) (31 July 2025) (Judgment)

Neutral citation: [2025] KEHC 11708 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
PETITION E064 OF 2023
SM GITHINJI, J
JULY 31, 2025**

BETWEEN

ROMANO KOBIA APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. Romano Kobia Alias Losia, the Applicant herein was charged before the High Court with the offence of Murder, contrary to Section 203 as read with Section 204 of the Penal Code Cap. 63 Laws of Kenya.
2. The particulars of the offence being that between the 4th and 7th day of January, 2013 at Likununu Village, Antuambui Sub-Location, Antuambui Location in Igembe North District within Meru County the Applicant murdered Gladys Kambura.
3. After full trial, he was found guilty of the offence, convicted and sentenced to serve 20 years imprisonment. He did not prefer an appeal to the Court of Appeal and is before this court by way of a Notice of Motion filed on 11th May, 2023 urging this court under Section 333(2) of the Criminal Procedure Code to consider the period he had spent in custody, and be deducted from the meted sentence of 20 years.
4. The Respondent opposed the Application mainly on the ground that the court lacks jurisdiction to review the sentence given that it was made by a court of concurrent jurisdiction, and the application is therefore an abuse of the court process.
5. The issue for determination is whether this court has jurisdiction to review the said sentence of 20 years imprisonment.
6. Article 15 of *the Constitution* of Kenya 2010, clause (3) indicates the High Court jurisdiction, of which is to hear the appeals from subordinate courts and to determine the question whether a right



or fundamental freedom has been denied, violated or infringed. It does not grant power to the High Court to hear appeals or review decisions from another Court of equal jurisdiction.

7. Section 362 of the Criminal Procedure Code is to the effect that the High Court may call for and examine the record of any Criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any findings, sentence or order. It therefore, limits the High Court's revision power to subordinate courts. It does not extend to decisions of other High Court Judges.
8. In the case of Republic – Vs – Mohammed Abdoor Mohamed [2013] eKLR, the Court observed that: -

“A Judge of concurrent jurisdiction cannot sit on appeal or review another Judge's decision of equal jurisdiction”
9. It's therefore vivid, in view of the foregoing, that this court lacks jurisdiction to review the sentence of 20 years imprisonment imposed against the applicant by a Judge of equal Jurisdiction.
10. The tail of it is that the application lacks merit and is hereby dismissed.

DATED AND DELIVERED AT MERU THIS 31ST JULY, 2025.

S.M. GITHINJI

JUDGE

Appearances: -

Applicant – Present at Nyeri Prison.

Ms. Adhi for the State.

