



**Kisila v Republic (Criminal Revision E072 of 2025)
[2025] KEHC 11183 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11183 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E072 OF 2025**

**DR KAVEDZA, J
JULY 29, 2025**

BETWEEN

EMMANUEL MUTINDA KISILA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of robbery with violence contrary to section 296(2) of the *Penal Code*. He was sentenced to serve death. On appeal, this court substituted the sentence to forty years imprisonment on 14th September 2020. The sentence was to run from the date of arrest being 15th September 2004.
2. He has filed the present application seeking revision of sentence. The grounds raised are that he is the sole breadwinner in his family. Since his incarceration, his family has suffered psychological trauma. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
3. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. This court is therefore *functus officio*. The right forum for the applicant is the Court of Appeal.
4. In the circumstances, the application is dismissed.

Order accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 29TH DAY OF JULY 2025

D. KAVEDZA



JUDGE

