



REPUBLIC OF KENYA



**KENYA LAW**  
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**Magondi v Republic (Criminal Review E019 of 2025)  
[2025] KEHC 11954 (KLR) (14 August 2025) (Ruling)**

Neutral citation: [2025] KEHC 11954 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
CRIMINAL REVIEW E019 OF 2025  
EM MURIITHI, J  
AUGUST 14, 2025**

**BETWEEN**

**CATHERINE WAMBUI MAGONDU ..... APPLICANT**

**AND**

**REPUBLIC ..... PROSECUTOR**

**RULING**

1. By a Notice of Motion dated 23/7/2025, the applicant principally seeks an order that “the Honourable Court be pleased to invoke its jurisdiction and review its sentence given on 28<sup>th</sup> May 2025 and grant the Applicant a non-custodial sentence based on the Judiciary Guidelines on Sentencing.”
2. By Judgment of the Court (L. Gitari, J) delivered on 9/4/2025, the Accused, who was charged with murder contrary to section 203 as read with 204 of the Penal Code, was convicted, and on 28/5/2025 sentenced to imprisonment for 12 years, for the offence of manslaughter contrary to section 202 as read with 205 of the Penal Code.
3. Under Article 165 (6) of *the Constitution*, it is clear that “(6) The High Court has supervisory jurisdiction over the subordinate courts and over any person, body or authority exercising a judicial or quasi-judicial function, but not over a superior court.”
4. The High Court has no supervisory jurisdiction over superior courts. This Court cannot supervise the court of concurrent jurisdiction presided by L. Gitari, J. The issue before the court in the application by the Notice of Motion herein dated 23/7/2025 as to jurisdiction for review of the sentence and whether such jurisdiction, if it exists, will be exercised in the circumstances of this case can only lie with the trial court of equal jurisdiction exercised by the Judge.
5. Accordingly, without making any discussion of the merits of the case so as not to prejudice the trial court, this Court will transfer the application for review of sentence to the trial Court for hearing and determination.



## **Orders**

6. Accordingly, for the reasons set out above, the application together with the relevant trial court file, for ease of reference, shall be transferred to the High Court at Kitui where the trial Judge presides.
7. Mention before the High Court at Kitui (L. Gitari, J.) for further directions as appropriate on 22/9/2025.

Order accordingly.

**DATED AND DELIVERED THIS 14<sup>TH</sup> DAY OF AUGUST 2025.**

**EDWARD M. MURIITHI**

**JUDGE**

Appearances

Mr. Mamba for DPP.

Mr. Mandala for the Accused/Applicant.

