



**Kanyonyo v Republic (Criminal Miscellaneous Application
E106 of 2023) [2024] KEHC 1864 (KLR) (28 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1864 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL MISCELLANEOUS APPLICATION E106 OF 2023
SM MOHOCHI, J
FEBRUARY 28, 2024**

BETWEEN

PETER MUNGAI KANYONYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant filed this application invoking the constitution and the criminal revision jurisdiction under Sections 363 and 364 of the Criminal Procedure Code.
2. The Applicant seeks review of Criminal Application No. E002 of 2022, High Court Criminal Appeal No.145 of 2013 and Narok PM's Court Case No.643 of 2012.
3. He seeks the substitution of his sentence with a probationary term. That he is remorseful and repentant.
4. In his supporting affidavit, the Appellant contends that he was arraigned and charged with robbery with violence in Narok Criminal Case No.643 of 2012.
5. That he was found guilty sentenced to death.
6. That he appealed against conviction and sentence in Nakuru Criminal Case No.145 of 2013 and the appeal was dismissed the sentence confirmed.
7. That later he filed Misc.E002 of 2022 which reversed the sentence of death and substituted it with imprisonment of 20 years.
8. That this Court has jurisdiction to entertain this application.
9. This Court had on 6th December, 2023 directed that the application is a judge matter and does not require physical presence of the Applicant.



10. The Respondent opposed this application for it being an abuse of the court process.
11. That this Court cannot sit in review of its own orders while invoking the revision jurisdiction.
12. No grounds have been presented to invoke the revision jurisdiction.
13. This Court concurs with the Respondent that this application is a classical manifestation of abuse of the process of the law.
14. The Applicant in Kamikaze manner filed 2 simultaneous applications and Misc. E002 of 2022 was assigned to High Court 2 while this instant one is assigned here. The Applicant never made this disclosure.
15. Application E002 of 2022 was heard and concluded reversing the death sentence and substituting the same with a 20 years' imprisonment term.
16. This Court lacks jurisdiction to review the sentence imposed by the High Court.
17. This application lacks merit and is accordingly dismissed.

SIGNED, DATED AND VIRTUALLY DELIVERED AT NAKURU THIS 28TH DAY OF FEBRUARY, 2024.

MOHOCHI S.M

JUDGE

