



**Karanja v Republic (Miscellaneous Criminal Application
17 of 2024) [2024] KEHC 1825 (KLR) (26 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1825 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION 17 OF 2024**

**DR KAVEDZA, J
FEBRUARY 26, 2024**

BETWEEN

STEPHEN KARANJA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant filed a notice of motion application seeking resentencing. The application is supported by an affidavit sworn by the applicant. The averments made in support of the application are that is remorseful for the crime committed. He urged the court to resentence him.
2. In his pleadings, the applicant contended that he filed an appeal to the Court of Appeal in Criminal Appeal no. 11 of 2008. The matter was heard by O’Kubasu, Githinji and Nyamu (JJA) and dismissed on March 18, 2011. That at the time, he was serving the death sentence which was commuted to life imprisonment. He maintains that he has been in prison for twenty (20) years which is adequate rehabilitation. He urged the court to resentence him.
3. I have considered the application, the affidavit in support and the applicable law. From the record, I note that the matter was already handled by the Court of Appeal. If this court ventures into handling the application on its merits would be tantamount to a disregard for the hierarchy of courts. This court has no jurisdiction to supervise a superior court. As noted above, this court has already discharged its duty and became functus officio. I do not understand why the applicant having exhausted his avenues of appeal has come back to this court unless he is intent on abusing the court process.
4. As a result, the application is dismissed. The applicant is directed not to file a similar application unless with the leave of court.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 26TH DAY OF FEBRUARY 2024



D. KAVEDZA
JUDGE

