



**Sintei v Republic (Miscellaneous Criminal Application 52 of 2024)
[2024] KEHC 1824 (KLR) (26 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1824 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION 52 OF 2024**

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

BETWEEN

TOBIKO SINTEI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant filed a notice of motion application seeking sentence review. The application is supported by an affidavit sworn by the applicant. The averments made in support of the application are that he was convicted and sentenced to life imprisonment for the offence of defilement contrary to section 8 (1) as read with 8 (2) of the *Sexual Offences Act*, No. 3 of 2006. His appeal before this court was dismissed. He filed an appeal before the Court of Appeal which is yet to be determined.
2. I have considered the application, the affidavit in support and the applicable law. From the record, I note that the matter is before 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 who is before the Court of Appeal has come back to this court unless he is intent on abusing the court process.
3. As a result, the application is dismissed. The applicant is directed not to file a similar application unless with the leave of court.

File closed.

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

D. KAVEDZA

JUDGE

