



**Kamonje v ODPP (Criminal Revision E407 of 2023)
[2024] KEHC 1863 (KLR) (22 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1863 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL REVISION E407 OF 2023
PJO OTIENO, J
FEBRUARY 22, 2024**

BETWEEN

GEORGE GITAU KAMONJE APPLICANT

AND

ODPP RESPONDENT

RULING

1. The application for revision by the Applicant comes after the decision by this Court in Kakamega High Court Criminal Appeal No. 38 of 2020.
2. In the Judgment dated August 1, 2023, the Court observed that the sentence of thirty (30) years was within the latitude which goes upto life imprisonment and concluded that sentence given was proper, given the age of the victim.
3. That is a decision by the same Court now asked to revise same. The law on revision limits the power of the court to relooking only decisions by a lower court for revision. There is no jurisdiction for a Court to revise its own orders.
4. The Court lacks jurisdiction to do what the Applicant and determines that in matters sentence in this matter, the Court is *functus officio*.
5. Application dismissed. Let Court file be closed.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 22ND DAY OF FEBRUARY, 2024

PATRICK J. O. OTIENO

JUDGE

