



Musumba v ODPP (Miscellaneous Criminal Application E010 of 2024) [2024] KEHC 1946 (KLR) (22 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1946 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS CRIMINAL APPLICATION E010 OF 2024**

PJO OTIENO, J

FEBRUARY 22, 2024

BETWEEN

FANUEL MUSUMBA APPLICANT

AND

ODPP RESPONDENT

RULING

1. In a Judgment of this Court dated and delivered on 18.5.2022, the Court in dismissing the Appellant’s appeal determined that the Appellant got from the trial Court what he deserved; a sentence of twelve (12) years, for committing an indecent act with a child aged under 18 years.
2. That was a determination by a Court of concurrent jurisdiction.
3. The only challenge anticipated by law is an appeal not a challenge by an application like the one before the Court.
4. The Court determines the application to be ill conceived for seeking from the Court a review of its own decision on sentence. The application is dismissed. Let the court file be closed.

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

PATRICK J. O. OTIENO

JUDGE

