



**Egesimba & another v Republic (Criminal Revision 105 of 2023)
[2024] KEHC 4238 (KLR) (30 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4238 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 105 OF 2023
DR KAVEDZA, J
APRIL 30, 2024**

BETWEEN

NNAMDI EGESIMBA 1ST APPLICANT

LEILA MUNYIVA MULI 2ND APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicants filed a chamber summons application seeking sentence review. The application is supported by an affidavit sworn by the applicants. The averments made in support of the application are that they are serving a cumulative 16 years imprisonment and that the period of 1 year, 8 months and 6 months, being the period spent in pre-trial custody, was not taken into account. They urged the court to take this period into account.
2. In their pleadings, the applicants contended that they were charged, convicted and sentenced by the Magistrate’s court for the offence of trafficking in narcotic drugs in JKIA Magistrate’s Court Criminal case no. 149 of 2016. Their appeal to the High Court, being no. 129 of 2018 was dismissed on 10th July 2019. Similarly, their appeal to the Court of Appeal, being no. 153 of 2019 was also dismissed on 4th December 2020.
3. Additionally, I have noted from the record that the applicants filed Miscellaneous Criminal Application No. 237 of 2021 wherein Bwonwong’a J dismissed a similar application for sentence review for lack of jurisdiction.
4. 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, it 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 applicants, having exhausted their avenues of appeal, have come back to this court, unless they are intent on abusing the court process.

5. As a result, the application is dismissed. The applicants are directed not to file a similar application unless with the leave of court.

6. File closed.

Orders accordingly.

RULING DATED AND DELIVERED THIS 30TH DAY OF APRIL 2024

D. KAVEDZA

JUDGE

In presence of:

N/A for the Applicant

Mr. Mongare for the Respondent

Nelson C/A

