



**Muli v Republic (Criminal Revision 111 of 2023)  
[2024] KEHC 4144 (KLR) (30 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4144 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 111 OF 2023  
DR KAVEDZA, J  
APRIL 30, 2024**

**BETWEEN**

**LEILA MUNYIVA MULI ..... 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 she is serving a cumulative 16 years imprisonment and that the period spent in pre-trial custody was not taken into account. She urged the court to take into account this period.
2. In her pleadings, the applicant contended that she was 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. Her appeal to the High Court, being no. 129 of 2018 was dismissed on 10<sup>th</sup> July 2019. Similarly, her appeal to the Court of Appeal, being no. 153 of 2019 was also dismissed on 4<sup>th</sup> December 2020.
3. Additionally, I have noted from the record that the applicant 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 applicant, having exhausted her avenues of appeal, has come back to this court, unless she is intent on abusing the court process.



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

6. File closed.

Orders accordingly.

**RULING DATED AND DELIVERED THIS 30<sup>TH</sup> DAY OF APRIL 2024**

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**D. KAVEDZA**

**JUDGE**

**In presence of:**

N/A for the Applicant

Mr. Mongare for the Respondent

Nelson C/A

Page 2 of 2

