



REPUBLIC OF KENYA



**Machoka v State (Miscellaneous Case E031 of 2024)
[2024] KEHC 17025 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 17025 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
MISCELLANEOUS CASE E031 OF 2024**

TA ODERA, J

MAY 30, 2024

BETWEEN

ROBERT OKEYO MACHOKA APPLICANT

AND

STATE RESPONDENT

RULING

1. The applicant was charged in this court with the offence of Manslaughter and he was convicted and sentenced to 15 years imprisonment. He seeks review of the sentence and consideration of the remand period. I noted that he was arraigned in court on 9.11.20 and sentenced on 25.5.21. It is true that the remand period was not considered. The sentence was handled by Hon Justice Ndungu who is a Judge of concurrent jurisdiction. This court lacks Jurisdiction to review the judgment /sentence of a court of concurrent jurisdiction save the issue of remand period as was held in the case of *Antony Nyaga Njagi v Republic* [2020] eKLR and I decline to review the sentence of 15 years and proceed to order that the same to run from 9.11.20 when the convict was first remanded in custody.

Delivered virtually in the presence of:

The applicant

Koima for the State

Court Assistant: Oigo

T.A ODERA

JUDGE

30.5.24

