



**Mutwiri v Republic (Criminal Revision E006 of 2025)
[2026] KEHC 296 (KLR) (Crim) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 296 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ISIOLO
CRIMINAL
CRIMINAL REVISION E006 OF 2025
SC CHIRCHIR, J
JANUARY 22, 2026**

BETWEEN

JOHN MUTUMA MUTWIRI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Through the Notice of Motion dated 24/07/2025 the Applicant herein seeks for review of sentence. He had been charged with defiling a 14-year-old boy, before the Isiolo Chief Magistrate Court and sentenced to serve 20 years. His two appeals to the High Court and Court of Appeal were dismissed. He has sought a review on the basis of poor health.
2. while dismissing the Appeal on both conviction and sentence the Court of Appeal (CA No. 101 of 2018), had this to say on the sentence: “The trial court imposed the minimum sentence for the offence prescribed under Section 8(3) of the *Sexual offences Act*. The circumstances of the case show that the Appellant was left caring for the minor and two other youths who were recovering from wounds following circumcision. The sentence awarded was deserved in the circumstances where the Appellant took advantage of the minor due to his vulnerable state which was abuse of his position of trust given to him by the minor’s mother”.
3. Thus, it is evident that the Court of Appeal, addressed itself to the issue of sentence. Pursuant to Article 165(6) *the constitution*, the high court as the court subordinate to the Court of Appeal, has no jurisdiction to review the orders or decisions of the Court of Appeal.
4. This Court therefore, has no jurisdiction to entertain this Application. It is hereby struck off.

DATED, SIGNED AND DELIVERED AT ISIOLO, THIS 22ND DAY OF JANUARY, 2026.



S.CHIRCHIR.

JUDGE

In the Presence of:-

Roba Katelo- Court Assistant

The Applicant

Mr. Manjale for the Respondent.

