



Case Number:	Miscellaneous Criminal Application 84 of 2019
Date Delivered:	16 Mar 2022
Case Class:	Criminal
Court:	High Court at Kakamega
Case Action:	Ruling
Judge:	Farah S.M Amin
Citation:	Atnas Nandi Shitandi v Republic [2022] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Criminal
History Magistrates:	-
County:	Kakamega
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

MISCELLANEOUS CRIMINAL APPLICATION NO. 84 OF 2019

ATNAS NANDI SHITANDI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING and ORDER

1. The Applicant has made an Application for his sentence to be reviewed and reduced.
2. The Applicant previously filed an Appeal namely HC. Criminal Appeal No. 119 of 2018 where his appeal against conviction was dismissed however the sentence was reviewed downwards. Later he made a further Application in HC. Misc. Criminal Application No. 84 of 2019. That Ruling was delivered on 12th November 2021.
3. The Applicant has also filed an application that the sentence be reviewed again.
4. It is the view of this Court that the Application is *res judicata*. In so far as it is not *res judicata* the Application is dismissed for the following reasons:-
 - (1) The Applicant is a repeat offender.
 - (2) His crimes are not just economic crimes but he has also harmed people.
 - (3) His neighbours do not want him back in the Community because he has previously preyed upon them.
 - (4) It is clear from the tenor of the Application and the demeanour of the Applicant that he has not learnt his lesson. He shows no remorse whatsoever.

In the circumstances the Application is dismissed.

Order accordingly,

FARAH AMIN

JUDGE

Delivered, Dated and Signed this the 16th day of March 2022 in Kakamega.

Read in Open Court in the Presence of:

Court Assistant:

Prosecutor:

Accused:



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