



**Okwemba v Republic (Criminal Application E111 of 2024)
[2024] KEHC 9964 (KLR) (12 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 9964 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E111 OF 2024
RE ABURILI, J
AUGUST 12, 2024**

BETWEEN

PETER MUSUMBA OKWEMBA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original conviction and sentence in Maseno SPM Criminal Case No. 809 of 2013)

RULING

1. The applicant is a convict on two counts of robbery with violence contrary to section 296(2) of the *Penal Code* and was sentenced to death on both counts. He appealed vide Kisumu HCRA No. 55, 56 and 57 of 2015 which appeal was dismissed. He now seeks sentence rehearing on account that he has reformed as per the life skills that he has acquired in prison as annexed. That he is a total orphan who lost his mother in January this year.
2. The application is for revision of sentence which the applicant alleges is mandatory and unconstitutional.
3. I have considered the application and the grounds as argued and the lengthy submissions and documents annexed. That court is unable to revise lawful sentence through an application.
4. The application is declined and dismissed.
5. Signal to issue.
6. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF AUGUST, 2024

R.E. ABURILI



JUDGE

