



**Ayoma v Republic (Miscellaneous Criminal Application E036 of 2024)
[2024] KEHC 11774 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11774 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E036 OF 2024
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

BENARD OTIENO AYOMA APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for review of Conviction and sentence of the High Court of Siaya
vide HCR E020/2022 delivered by Hon. Justice R. E. ABURILI dated 28.12.2022)*

RULING

1. The applicant is a murder convict vide HCR E020/2022. He was sentenced to serve 35 years imprisonment. He was jointly charged with Alex Onono Oketch. This was vide judgment rendered on 28/12/2022 to run from date of arrest on 15/5/2022. He now applies to this court vide application dated 27/3/2024 for sentence review and reduction because he is a first offender, remorseful and deserving of a second chance.
2. I have perused the entire High Court HCR. E020/2022 wherein the murder trial was expeditiously conducted.
3. Punishment for murder is death, upon conviction, as stipulated in Section 204 of the [Penal Code](#).
4. The applicant was given a term sentence of 35 years which is very lenient, considering that a precious life was lost.
5. This court is devoid of any jurisdiction to review the sentence imposed in exercise of judicial discretion and to do otherwise would amount to this court sitting on its own appeal. Accordingly, the application dated 27/3/2024 is found to be an abuse of court process and the same is hereby dismissed. The mention date of 21/10/2024 is recalled. This file is closed.
6. I so order.



DATED, SIGNED AND DELIVERED AT SIAYA THIS 27TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

