



**Bobeka v Republic (Criminal Miscellaneous Application E070 of 2024)
[2024] KEHC 11770 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11770 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL MISCELLANEOUS APPLICATION E070 OF 2024
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

JACKSON OUMA BOBEKA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Jackson Ouma Bobeka was convicted of the offence of Robbery with Violence vide Siaya SPM Cr. 800 of 2006 and was sentenced to suffer death as stipulated in Section 296 (2) of the [Penal Code](#).
2. He appealed vide Kisumu HCRA 83/2007 which appeal was dismissed.
3. He now applies that he is entitled to a less severe sentence as a first offender since he has been in prison for long and hence he wants a criminal rehearing, whatever that term means.
4. I have perused the trial court record of proceedings and judgment and considered the application noting that the matter is a very old one and the lower court file had to be retrieved from the archives.
5. I find no law favouring the sentence reduction in favour of the convict whose appeal was dismissed.
6. The application dated 9/7/2024 is found to be misplaced and is hereby dismissed. This file is closed.
7. I so order.

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

R. E. ABURILI

JUDGE

