



**Odongo v Republic (Miscellaneous Criminal Application E089 of 2023)
[2024] KEHC 11909 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11909 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E089 OF 2023
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

SILAS OUMA ODONGO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for review of Conviction and Sentence in Siaya HC Criminal Case No. 14 of 2023 delivered by Hon. Justice D. O. Ogembo, J dated 4/7/2023)

RULING

1. The Applicant herein is Silas Ouma Odongo. He is a convict vide Siaya HCCR Case No. 14/2023 wherein he unequivocally pleaded guilty to the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*, and was convicted and sentenced to serve life imprisonment on 4/7/2023 by my late Brother Justice Ogembo.
2. In his application dated 25/8/2023, he seeks sentence reduction due to what he claims to be its ambiguity.
3. A production order was issued for him and he appeared in court on 14/5/2024. He reiterated his prayer for sentence reduction and the prosecution led by Ms. Kerubo opposed the application.
4. Even without hearing submissions on the prayer for sentence reduction, the court having convicted and sentenced the accused, it could not prompt to sit on its own appeal and reduce sentence imposed, which is lawful, considering that the accused could have been sentenced to death but was instead sentenced to life imprisonment even after the court found that the murder of the deceased who was the accused own biological mother for allegedly opposing him from selling his land was premeditated.
5. I find no merit in the application dated 25/8/2023 which is hereby dismissed.
6. This file is closed.



7. I so order.

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

R. E. ABURILI

JUDGE

