



**Opondo v Republic (Criminal Miscellaneous Application E106 of 2023)
[2024] KEHC 11838 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11838 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL MISCELLANEOUS APPLICATION E106 OF 2023
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

FREDRICK OMONDI OPONDO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for review of Conviction and sentence in Siaya High Court vide Criminal Case No. E013 of 2022 delivered by Hon. Judge R.E Aburili - J dated 9th November, 2022)

RULING

1. The Applicant Fredrick Omondi Opondo was convicted and sentenced to serve 30 years imprisonment on 9/11/2022 of the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) vide Siaya HCCR E013 of 2022. The sentence was to be calculated from date of arrest. He now applies to this court vide an application dated 23/11/2023 seeking orders that the sentence imposed be reduced because he was given heavy sentence.
2. I have considered the application as presented. There is no jurisdiction for the court to sit on its own appeal by further reducing lenient lawful sentence.
3. The applicant could have been sentenced to death under Section 204 of the [Penal Code](#).
4. I find the application dated November 23, 2023 not merited. It is furthermore, an abuse of court process.
5. It is hereby dismissed. This file is closed. Signal to issue. I so order.

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

R. E. ABURILI

JUDGE

