



**Okungu v Republic (Miscellaneous Criminal Application E149 of 2024)
[2024] KEHC 11507 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11507 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E149 OF 2024
RE ABURILI, J
SEPTEMBER 26, 2024**

BETWEEN

NAFTALI OTIENO OKUNGU APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Winam Senior
Principal Magistrate Criminal Case No. 822 of 2018.)*

RULING

1. The Convict/Applicant herein Naftali Otiemo Okungu claims that he was convicted and sentenced to serve fifteen (15) years in prison for the offence of robbery with violence contrary to Section 296(2) of Penal Code vide Winam SPM Criminal Case No. 822 of 2018.
2. That he is very remorseful and is rehabilitated so he prays for sentence reduction and application of Section 333(2) of the Criminal Procedure Code.
3. He has not annexed any court proceedings for consideration, noting that the sentence imposed was extremely lenient as the mandatory sentence under Section 296(2) of the Penal Code is death.
4. I find the application devoid of merit and is hereby dismissed and this file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

