



**Odera v Republic (Criminal Revision E012 of 2023)  
[2024] KEHC 15115 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15115 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E012 OF 2023  
RE ABURILI, J  
NOVEMBER 25, 2024**

**BETWEEN**

**JOSHUA OKOTH ODERA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Joshua Okoth Odera is a convict. He was jointly charged with William Ochieng Wango with the offence of murder contrary to Section 203 as read with Section 205 of the [Penal Code](#) and after a full trial, William Ochieng Wango was acquitted while the Applicant herein was convicted and sentenced to serve death sentence. This was *vide* HCR 21/2017. The sentence was rendered on 5/5/2020.
2. The convict is now serving his sentence at Naivasha Maximum Prison. He now applies for revision of his sentence because death sentence contravenes Sections 216 & 389 of the [Criminal Procedure Code](#) and [Policy Guidelines on sentencing](#). That he is entitled to the least severe sentence under Article 50 (2) P &(q) of the [Constitution](#).
3. I have perused the application for sentence revision filed on 9/8/2023. This court is devoid of any residual discretion to revise the sentence imposed.
4. The application dated 7/8/2023 is dismissed. Signal to issue. File is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**R.E ABURILI**

**JUDGE**

