



**Onyango v Republic (Criminal Revision 12 of 2023)  
[2024] KEHC 15124 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15124 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION 12 OF 2023  
RE ABURILI, J  
NOVEMBER 25, 2024**

**BETWEEN**

**CHARLES PATRICK OOKO ONYANGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant/Convict is Charles Patrick Ooko Onyango. He was sentenced to serve 25 years imprisonment vide Bondo PM Cr Case No. 1034/2018 for the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code. the victim of offence was Ruth Ndoji who was his wife, following an assault on her.
2. The convict appealed to this court vide HCCRA 86/2019 through an advocate which appeal was heard and deferred on merit vide judgment rendered on 30/11/2020, dismissing the appeal, but ordering that the 25 years imprisonment would be calculated from the date of his arrest before he was released on bond on 28/8/2017.
3. The convict came back to this court vide Misc. Cr. Application No. E132/2022 and applied for sentence revision which application was dismissed on 12/10/2022. Before then, on 12/12/2020, he had filed a Notice of Appeal on 11/12/2020, dated 12/12/2020 to the Court of Appeal which Notice of Appeal remains validly on record.
4. The convict now applies for revision of sentence because he has reformed and is ready to be reintegrated in society hence this court should declare that the time he has served in prison is sufficient.
5. I have perused the application, grounds and supporting affidavit. I have also perused the lower court file and the appeal file and the fact that there is a pending Notice of Appeal to the Court of Appeal. I also take cognizance of the fact that the convict filed a similar application vide Misc. Cr. Application No. 86/2019 which was dismissed.



6. I find no residual jurisdiction and discretion to revise the sentence imposed on the convict.
7. The application dated 1/7/2023 is found to be devoid of any merit and is an abuse of court process. It is hereby dismissed. This file is closed.

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

**R. E. ABURILI**

**JUDGE**

