



**Wesonga v Republic (Criminal Revision E013 of 2023)  
[2024] KEHC 15125 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15125 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E013 OF 2023  
RE ABURILI, J  
NOVEMBER 25, 2024**

**BETWEEN**

**MICHAEL OTIENO WESONGA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Michael Otieno Wasonga is a convict in Siaya HCR 4/2019 for the offence of murder contrary to Section 203 as read with section 204 of the Penal Code. he was sentenced to serve life imprisonment vide judgment rendered on 4/5/2020.
2. The convict filed notice of appeal and an application vide Misc. Cr. Application dated 30/8/2022 for review of sentence which application was dismissed on 23/9/2022.
3. The convict is back to this court with his application dated 7/8/2023 seeking for revision of sentence because he is ready to withdraw his appeal in order to pursue this application and that the has a right to benefit from the least severe sentence.
4. I have considered the application and the grounds and affidavit in support.
5. This court is bereft of any residual discretion to revise lawful sentence imposed as the court is functus officio. I decline to grant the orders sought in the application dated 7/8/2023 and dismiss it.
6. Signal to issue.
7. This file is closed.

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

**R.E ABURILI**

**JUDGE**

