



**Odenyo v Republic (Criminal Petition 133 of 2023)  
[2024] KEHC 15121 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15121 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL PETITION 133 OF 2023  
RE ABURILI, J  
NOVEMBER 22, 2024**

**BETWEEN**

**CLEOPHAS ASINDI ODENYO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Petitioner Cleophas Asindi Odongo was charged in Siaya HCCR E007/2021 with the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code which was reduced to manslaughter contrary to Section 202 as read with Section 205 of the Penal Code via a Plea Bargaining Agreement dated 24/11/2021 and he was sentenced to serve 15 years imprisonment on 24/11/2021. He has petitioned for revision of sentence vide his Petition dated 4/9/2023 to a less severe community-based sentence because he has reformed.
2. I have considered the Petition and submissions dated 4/9/2023. Upon conviction for manslaughter, Section 205 of the Penal Code provides for punishment of up to life imprisonment. The 15 years imprisonment which was to be calculated from date of arrest, the court already exercised discretion, having regard to the circumstances of each case.
3. That being the case, the court has no residual discretion to reduce that lawful sentence further.
4. The petition dated 4/4/2024 is hereby dismissed. Signal to issue.
5. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 22<sup>ND</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

