



REPUBLIC OF KENYA



**Gioya v Republic (Criminal Petition E003 of 2023)
[2023] KEHC 501 (KLR) (30 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 501 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E003 OF 2023
RE ABURILI, J
JANUARY 30, 2023**

BETWEEN

STEPHEN ONYANGO GIOYA PETITIONER

AND

REPUBLIC RESPONDENT

(Being an Application for resentencing arising from conviction and sentence in Siaya PM SO Case No. 22/2017 by Hon. J.O. Ong'ondo (PM) on 22.8.2018 and in Siaya Kisumu HCCRA No. 41 of 2018 by Hon. R.E. Aburili J on 7.10.2019)

RULING

1. A similar petition by the applicant Stephen Onyango Gioya convict in Siaya PM Cr SO 22/2017 herein was filed *vide* Criminal Petition No E006/2022 and a ruling dated October 26, 2022, it was dismissed.
2. The convict seeks for resentencing in a matter that was before this court heard and determined on appeal on sentence after he had withdrawn his appeal against conviction in Siaya HCRA 41/2018 on July 16, 2019.
3. This court rejected the applications for resentencing twice.
4. I find this application to be an abuse of court process. It is hereby dismissed for the same reasons given in Criminal Petition No E006/2022.
5. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 30TH DAY OF JANUARY, 2023.

R.E. ABURILI

JUDGE

