



REPUBLIC OF KENYA



KENYA LAW
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**Kadanya v Republic (Criminal Petition E008 of 2023)
[2023] KEHC 1779 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1779 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E008 OF 2023
RE ABURILI, J
FEBRUARY 28, 2023**

BETWEEN

JOHN LUFAI KADANYA APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for resentencing in Ukwala
PM SO 29/2016 and in Siaya HCCRA No. 82/2016)*

RULING

1. The Petitioner/Applicant/Convict was sentenced to serve 20 years imprisonment vide Ukwala PM SO 291/2016 on 3/8/2016. He appealed to this Court vide HCRA 82/2016. Majanja J heard his appeal and dismissed it on 19/2/2018. He does not say whether he appealed to the Court of Appeal. He now prays for resentencing after mitigation.
2. I have considered the application. I have also perused the lower court proceedings. Although the applicant was given mandatory minimum sentence, he was allowed to mitigate which mitigation was considered.
3. The sentence imposed was lawful. I find no reason to interfere with the same.
4. I decline and dismiss the application for resentencing.
5. I so order. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 28TH DAY OF FEBRUARY, 2023.

R.E. ABURILI

JUDGE

