



**Owuor alias Antony Njenga v Republic (Criminal Application
4 of 2019) [2023] KEHC 1112 (KLR) (22 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1112 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL APPLICATION 4 OF 2019
HK CHEMITEI, J
FEBRUARY 22, 2023**

BETWEEN

ANDREW OMONDI OWUOR ALIAS ANTONY NJENGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was convicted of various offences including attempted murder and being armed in public and was sentence to serve 40 years' imprisonment. He appealed to this court and the sentence reduced to 25 years which was to run from the date of this court's judgement.
2. The applicant filed this application dated 5th March 2021 praying that the court should review the said period and take into consideration the two years he had been held in custody prior to the sentencing by the trial court.
3. The learned state counsel has opposed the same arguing that this court as far as the sentencing was concerned was *functus officio*.
4. Without belabouring the issues, and having read the judgement of the court dated 12th February 2021 it is clear that the court *suo moto* reduced the sentenced from 40 to 25 years. The court in reducing the period was of the view that the same was excessive in the circumstances. The court went on to state that

“After taking into account all the foregoing i find that the sentence imposed was manifestly excessive in the circumstances of the case. In the premises i hereby reduce it to 25 years’ imprisonment which will begin to run from the date of this judgement.”
5. This court finds that the judge was fully conscious of the period when the sentence was to run. In any case and as clearly submitted by the respondent this court cannot review the judgement of this court in the manner the applicant would want. The only recourse is for the applicant to appeal against the same.



6. The application is otherwise dismissed.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT KABARNET THIS 22ND DAY OF
FEBRUARY 2023.**

H. K. CHEMITEI.

JUDGE

