



**Owiso v Republic (Miscellaneous Criminal Application
E118 of 2022) [2023] KEHC 2977 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2977 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E118 OF 2022**

**RE ABURILI, J
MARCH 27, 2023**

BETWEEN

CHRISPIN OKOTH OWISO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant/convict Chrispin Okoth Owiso by his application dated November 2, 2022 seeks for sentence rehearing in a case where he was convicted of the offence of murder contrary to section 203 as read with Section 204 of the *Penal Code* and sentenced to serve life imprisonment vide Kisumu HCCRC No. 21 of 2006. He does not indicate whether he appealed to the Court of Appeal. The mandatory sentence upon conviction for murder is death.
2. The convict herein was not sentenced to suffer death. Life imprisonment was lenient and this court has no power to reduce sentence imposed by court of competent concurrent jurisdiction where the convict has not appealed and a directive for resentencing issued.
3. I find this application devoid of any merit. I dismiss it.
4. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

