



REPUBLIC OF KENYA



KENYA LAW
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**Kipkosgei v Republic (Petition E004 of 2023)
[2023] KEHC 2881 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2881 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
PETITION E004 OF 2023
RE ABURILI, J
MARCH 24, 2023**

BETWEEN

PETER KIPKOSGEI APPLICANT

AND

REPUBLIC RESPONDENT

*(From original conviction and sentence in Criminal Case No
204 of 2016 in the Principal Magistrate's Court at Tamu)*

RULING

1. The Applicant/Petitioner Peter Kipkosgei by his Notice of Motion filed on March 17, 2023 seeks orders for review of his ten (10) years imprisonment term for the offence of stock theft wherein he was convicted vide Tamu Principal Magistrate Criminal Case No 204 of 2016 on March 14, 2018.
2. If that be the case, then he has served prison for five (5) years now. He urges this court to waive the remainder of the prison term.
3. However, there is no evidence of what the remainder term is as only prison's authorities can calculate the actual remainder term.
4. This court cannot waive sentence imposed. Furthermore, there are no testimonials filed showing the effect to which the convict has been rehabilitated and reformed for consideration under the Community Order Service Order for Prison decongestion exercise purposes.
5. I find the Petition misconceived. It is hereby dismissed.
6. File closed.
7. The ruling and signal to be typed and the Petitioner/Convict to be notified forthwith through prison email.



8. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 24TH DAY OF MARCH, 2023

R E ABURILI

JUDGE

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