



**Odera v Republic (Criminal Petition E016 of 2023)  
[2023] KEHC 24128 (KLR) (27 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24128 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL PETITION E016 OF 2023  
WM MUSYOKA, J  
OCTOBER 27, 2023**

**BETWEEN**

**EUGENE OTIGBU ODERA ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The undated application, filed herein on 24<sup>th</sup> August 2023, principally seeks re-sentencing. The petitioner had been convicted, in Busia CMCCRC No. 763 of 2014, of offences relating to possession of narcotics, and being in the country unlawfully. He was sentenced to pay of fine of Kshs. 20,000,000.00, or serve 20 years in prison in default. His appeal in Busia HCCRA No. 10 of 2015, was dismissed. His second appeal in Kisumu CACRA No. 200 of 2016, was also dismissed, as per the judgment of 4<sup>th</sup> November 2022. The aspect of the sentence which had imposed a fine was set aside, but the imprisonment term of 20 years was confirmed.
2. I note from the judgment of the Court of Appeal, that the court maintained the 20-year term sentence, and emphasized that the same was lenient, when taken against a possible imprisonment for life. The Court of Appeal affirmed the sentence of 20 years in prison on 4<sup>th</sup> November 2022. Surely, nothing dramatic has happened between then and now, 27<sup>th</sup> October 2023, to warrant the sentence being reviewed. I cannot revisit the sentence. In fact, I have no jurisdiction to, given that a court, of a status higher than where I sit, has pronounced itself on it. If the petitioner feels that he has reformed sufficiently, then let him canvass the matter within the prison system, for remission of sentence, or with the Mercy Committee for consideration.
3. Accordingly, there is no merit in the application, filed herein on 24<sup>th</sup> August 2023, and I hereby dismiss it. Orders accordingly.



**RULING DELIVERED, DATED AND SIGNED IN OPEN COURT AT BUSIA ON THIS 27<sup>TH</sup> DAY OF OCTOBER 2023**

**WM MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Mr. Eugene Otigbu Odera, the petitioner, in person.

**Advocates**

Mrs. Chepkonga, instructed by the Director of Public Prosecutions, for the respondent.

