



**Otieno v Republic (Criminal Revision E134 of 2023)
[2023] KEHC 26111 (KLR) (23 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 26111 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E134 OF 2023
RE ABURILI, J
NOVEMBER 23, 2023**

BETWEEN

CHARLES OWINO OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

(From the original conviction and sentence in High Court Criminal Case No. 37 of 2010 at Kisumu)

RULING

1. I have considered the application dated October 31, 2023 under certificate of urgency, seeking for resentencing. I find no urgency involved. I decline to certify the application as urgent.
2. On the prayers sought, I observe that the applicant filed an appeal from the Judgment of this court to the Court of Appeal and until that appeal is fully determined or is wholly withdrawn, an application for resentencing is premature.
3. Accordingly, this application is found to be premature and is hereby struck out. The applicant can however file a fresh petition not revision application, upon the Court of Appeal case being concluded whether through a hearing or withdrawal.
4. The applicant/petitioner will have to place before this court proceedings and judgment in Kisumu HCCR No. 37 of 2010 for perusal and consideration.
5. File closed.
6. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 23RD DAY OF NOVEMBER, 2023

R. E. ABURILI



JUDGE

