



REPUBLIC OF KENYA



**KENYA LAW**  
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**Okello v Republic (Miscellaneous Criminal Application E073 of 2023)  
[2023] KEHC 27091 (KLR) (18 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 27091 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E073 OF 2023  
RE ABURILI, J  
DECEMBER 18, 2023**

**BETWEEN**

**TITUS OWINO OKELLO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Arising from the original conviction and sentence in Senior Principal  
Magistrate Court Criminal Case No 534 of 2018 at Maseno)*

**RULING**

1. The Applicant Titus Owino Okello was convicted of the offence of Robbery with violence contrary to Section 296(2) of the *Penal Code* and sentenced to serve fifteen (15) years imprisonment vide Maseno SPM Criminal Case No. 534 of 2019.
2. He claims that he appealed to this court vide Kisumu HCCRA No. 49 of 2019 which was dismissed.
3. He then applied under Section 333(2) of the *Criminal Procedure Code* vide HCCR Misc. No. E027 of 2021 and the sentence was reduced to ten (10) years imprisonment.
4. He now claims that he is rehabilitated and wants a further review of sentence to a lesser severe sentence.
5. I have considered the application. The Applicant/Convict has already benefitted from Sentence Review twice. I am unable to exercise any further discretion considering that he was not given the Mandatory death sentence under Section 296(2) of the *Penal Code*.
6. I find this application devoid of any merit. It is hereby dismissed.
7. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 18<sup>TH</sup> DAY OF DECEMBER, 2023**



**R. E. ABURILI**  
**JUDGE**

