



**Omondi v Republic (Miscellaneous Criminal Application E079 of 2023)
[2023] KEHC 26815 (KLR) (18 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 26815 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E079 OF 2023
RE ABURILI, J
DECEMBER 18, 2023**

BETWEEN

MARTIN ONYANGO OMONDI APPLICANT

AND

REPUBLIC RESPONDENT

*(Arising from the original conviction and sentence in Senior Principal
Magistrate Court Criminal Case No. 54 of 2020 at Winam)*

RULING

1. The Applicant Martin Onyango Omondi applies for Sentence Review under Section 333(2) of the [Criminal Procedure Code](#). He is serving a ten (10) years prison term following his conviction by Winam Senior Principal Magistrate's court in Criminal Case No. 54 of 2020.
2. He claims that he was convicted on 10th February 2022 and that he was arrested on 12th January 2020.
3. Regrettably, there are no proceedings or judgment annexed to confirm whether the convict was in custody and from when, pending trial.
4. The Applicant claims that he was convicted of robbery with violence contrary to Section 296(2) of the [Penal Code](#) as per warrant of commitment annexed. That he opted not to appeal to the Court of Appeal. He does not say if he appealed to the High Court.
5. I am unable to find material to support the orders sought. I dismiss the application.
6. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF DECEMBER, 2023

R. E. ABURILI



JUDGE

