



**Ongwen v Republic (Miscellaneous Criminal Application E080 of 2023)
[2023] KEHC 26817 (KLR) (18 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 26817 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E080 OF 2023
RE ABURILI, J
DECEMBER 18, 2023**

BETWEEN

STEPHEN OMONDI ONGWEN APPLICANT

AND

REPUBLIC RESPONDENT

*(Arising from the original conviction and sentence in Chief
Magistrate Court Criminal Case No. E805 of 2022 at Kisumu)*

RULING

1. In the application for Sentence Review dated November 8, 2023, the applicant Stephen Omondi Ongwen seeks that the court reviews his seven (7) years imprisonment downwards to a more lenient or non-custodial sentence and factor in the time spent in custody from the time of arrest.
2. The applicant claims that he was charged, tried and convicted of the offence of preparation to commit a felony contrary to section 308(b) of the *Penal Code* vide Kisumu Chief Magistrate Criminal Case No. E805 of 2022.
3. However, no proceedings and judgment are annexed to the application for this court to consider the merits thereof.
4. It is the duty of the Applicants to place before this court material that is necessary to enable the court to make necessary orders.
5. I find the application not supported. It is dismissed.
6. File closed.

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

R. E. ABURILI



JUDGE

