

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL PETITION NO. 2 OF 2022

CORAM: HON. R.E. ABURILI J

MARTIN ONDURU OTIENO.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. It is now 12.59pm. This court has been sitting from 9.00am. The Petitioner has not filed any documents upon which this court can consider his petition and application for resentencing.

2. He was granted more time on 16/2/2022 to file documentation to support his petition and to join this court virtually. He has not complied with the directions of the court.

3. Resentencing is not a matter of right. The convict petitioner must demonstrate their eligibility for resentencing to invoke the discretionary powers of this court as stipulated in the *Francis Muruatetu Vs R (2017) eKLR and [2021] eKLR* respectively.

4. For want of material and testimonials upon which this court can exercise discretion in resentencing, I find no merit in entertaining this matter for resentencing. The application is hereby dismissed for want of compliance with directions given by this court on 16/2/2022.

5. I so order. Petitioner to be notified in prison. File Closed.

Dated, signed and Delivered in open court at Siaya this 28th Day of February, 2022

R.E. ABURILI

JUDGE