

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. 1 OF 2022

CORAM: HON. R.E. ABURILI J

GABRIEL OMONDI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application arising from original Ukwala SRM Cr Case No. 568 of 2011

and conviction entered on 26th April, 2013)

RULING

1. I have considered the application for resentencing. The applicant has clearly stated that he was sentenced to death for the offence of robbery with violence and that he applied to this court for resentencing and the court did consider the application on merit and resented him to serve 20 years imprisonment.
2. He then filed this petition at Kisumu High Court upon which the High court transferred this file to Siaya High Court.
3. Having resented the convict herein to a lesser severe sentence of 20 years imprisonment, I am devoid of any judicial discretion to re-sentence the convict applicant herein.
4. I find the application an abuse of court process and waste of judicial time.
5. The same is hereby dismissed.
6. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF FEBRUARY, 2022

R.E. ABURILI

JUDGE