

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E030 OF 2022

CORAM: HON. R.E. ABURILI, J

GEORGE OUMA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application arising from conviction and sentence of Siaya in HCCRC No. 14/2015 and originating from Kisumu HC Cr. Misc. Application No. E021/2021)

RULING

1. This matter was initially filed in Kisumu High Court vide Kisumu HCCR Misc. No. E021/2021. However, the same was transferred to this court because the initial trial took place before this court.
2. I have considered the application seeking to reduce sentence under *Section 333(2) of the Criminal Procedure Code*.
3. I observe that the convict/applicant was charged with the offence of Murder which was reduced to Manslaughter through a Plea Bargaining Agreement whereupon the learned Judge Hon. A. Makau J convicted him and sentence him to serve 10 years imprisonment.
4. In the sentencing remarks contained in the Ruling dated 29th June 2017, the learned Judge took into account the period of 2 years and 2 months that the accused had spent in prison custody.
5. I observe that the punishment for Manslaughter, as provided for in *Section 205 of the Penal Code* is life imprisonment. The 10 years imprisonment imposed on 29/6/2017 took into account the mitigation and time spent in prison remand.
6. Accordingly, I find this application for application of *Section 333(2) of the Criminal Procedure Code* not merited as the court already meted out a less severe sentence by imposing a term sentence that is lenient taking into account the period spent in custody.
7. The application for sentence reduction under *Section 333(2) of the Criminal Procedure Code* is therefore found to be devoid of merit. It is hereby .
8. File is hereby closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 29TH DAY OF MARCH, 2022

R.E. ABURILI

JUDGE