



**Abrili v Republic (Miscellaneous Criminal Application
E002 of 2022) [2022] KEHC 10279 (KLR) (24 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10279 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS CRIMINAL APPLICATION E002 OF 2022**

WM MUSYOKA, J

JUNE 24, 2022

BETWEEN

LABAN ANAMI ABRILI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. On 2nd February 2022, I granted leave for admission of an appeal out of time. That was on an application in Kakamega HC Misc. Appli. No. E101 of 2021, filed at the instance of the applicant herein, Laban Anami Abrili. The leave was sought in respect of Butali Srmccrc No. 755 of 2021.
2. Upon leave being granted, it would appear that the applicant opted to file the instant application. Am not sure whether it is a criminal revision or not, but what he seeks is review of sentence. Ideally, when a person is unhappy with how a court exercised discretion in imposing sentence he files an appeal against the sentence, so that the appellate court can re-visit the record of the trial court to assess whether or not the exercise of discretion was properly done.
3. Am alive to Article 159 (2) of *the Constitution*. I shall treat the application before me as the appeal, whose admission I granted on 2nd February 2022.
4. Let the Deputy Registrar to call for the trial records in Butali SrmccrcNo. 755 of 2021. The matter shall be mentioned on 30th July 2022. A production order shall issue. Copies of this ruling to be made available to the applicant and the Office of the Director of Public Prosecutions.

DELIVERED, DATED AND SIGNED AT KAKAMEGA ON THIS 24th DAY OF JUNE 2022

WM MUSYOKA

JUDGE

Erick Zalo, Court Assistant.



Laban Anami Abrili, the applicant, in person.

Mr. Mwangi, instructed by the Director of Public Prosecutions, for the respondent.

