



**Alusiola v Republic (Miscellaneous Criminal Application
E016 of 2021) [2022] KEHC 10272 (KLR) (24 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10272 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS CRIMINAL APPLICATION E016 OF 2021**

WM MUSYOKA, J

JUNE 24, 2022

BETWEEN

WYCLIFFE ALUSIOLA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant in this matter seeks a review of sentence under section 333(2) of the [Criminal Procedure Code](#), Cap 75, Laws of Kenya, and prays to be placed on probation. He would like the time he spent in remand be reckoned in determining his final sentence.
2. I will not be able to exercise discretion under section 333(2) of the [Criminal Procedure Code](#), unless I have sight of the trial records, and the appeal records from the High Court, yet the applicant has not disclosed any particulars of the two cases.
3. Consequently, the application before me is not properly conceived, for those reasons, and I hereby dismiss the same.

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

WM MUSYOKA

JUDGE

Erick Zalo, Court Assistant.

Wycliffe Alusiola, the applicant, in person.

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

