



**Okutu v Republic (Miscellaneous Criminal Application  
89 of 2019) [2022] KEHC 3113 (KLR) (24 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 3113 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
MISCELLANEOUS CRIMINAL APPLICATION 89 OF 2019**

**WM MUSYOKA, J**

**JUNE 24, 2022**

**BETWEEN**

**ISAAC BENARD OKUTU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Motion herein, undated, but filed on 25<sup>th</sup> October 2019, principally seeks review or substitution of sentence. The applicant was convicted in an undisclosed criminal case at the Magistrate's court, and he lodged an appeal at the High Court whose details are not disclosed.
2. I can only consider review of sentence if the trial court case and the appellate court case files are disclosed. I am unable to give any directions on the matter. The said Motion is incompetent, and I hereby strike it out. The file herein to be closed.
3. 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 24<sup>TH</sup> DAY OF JUNE 2022**

**WM MUSYOKA**

**JUDGE**

**Erick Zalo, Court Assistant.**

**Isaac Benard Onyango, the applicant, in person.**

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

