



**Awuor v Republic (Miscellaneous Criminal Application E028 of 2022)
[2022] KEHC 14086 (KLR) (20 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 14086 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E028 OF 2022
RE ABURILI, J
SEPTEMBER 20, 2022**

BETWEEN

JOSEPH ONYANGO AWUOR APPLICANT

AND

REPUBLIC RESPONDENT

(Nyando Senior Resident Magistrate's Court Criminal Case No 736 of 2005)

RULING

1. The applicant was convicted and sentenced to suffer death by hanging vide Nyando Senior Resident Magistrate's Court Criminal Case No 736 of 2005 for the offence of robbery with violence. All his appeals to the High Court and Court of Appeal were dismissed.
2. He has also petitioned vide High Court Petition No E003 of 2022 for resentencing which petition this court has allowed this morning and ordered for his release forthwith as he has served over 18 years in prison.
3. For the above reasons, and the court having already considered the period that the applicant herein has spent in remand custody prior to his conviction in resentencing him, I find this application not being necessary. In my view, the applicant should have combined this application on the prayer for consideration of section 333(2) with the petition for resentencing and not to file two separate causes. I find this application not merited. It is dismissed and the file is hereby closed for archiving.
4. I so order.
5. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 20TH DAY OF SEPTEMBER 2022

R. E. ABURILI



JUDGE

