



**Juma v Republic (Miscellaneous Criminal Application E013 of 2022)
[2022] KEHC 14433 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14433 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E013 OF 2022
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

MARTIN ODUOR JUMA APPLICANT

AND

REPUBLIC RESPONDENT

(An Application for resentencing in Kisumu HCCR 35 of 2015)

RULING

1. The applicant is Martin Oduor Juma. He was convicted and sentenced to serve 15 years imprisonment for the offence of murder contrary to section 203 as read with section 204 of the *Penal Code* by Hon T W Cherere J on April 10, 2018.
2. He applies that this court considers section 333(2) of the *Criminal Procedure Code* in sentencing him. However, to date he was not supplied the court with proceedings in Kisumu HCR 35/2015 to consider whether during the trial, he was on bond or in custody.
3. I find this application to be devoid of any substance. The applicant can file another application once he gets the proceedings. This application is dismissed.
4. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF OCTOBER, 2022

R.E. ABURILI

JUDGE

