



**Odalo v Republic (Criminal Petition E015 of 2021)
[2022] KEHC 14439 (KLR) (27 October 2022) (Judgment)**

Neutral citation: [2022] KEHC 14439 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E015 OF 2021
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

LUCAS OWINO ODALO PETITIONER

AND

REPUBLIC RESPONDENT

(Petition against Kisumu HCR 12/2008 judgment delivered on 24/6/2016 by H.K Chemitei, J)

JUDGMENT

1. This petition was filed on 10/2/2021 by the petitioner convict Lucas Owino Odalo. He was convicted and sentenced to death vide Kisumu HCR 12/2008 *vide* judgment delivered on 24/6/2016 by H.K Chemitei, J. for the offence of murder contrary to section 203 as read with section 204 of the [*penal Code*](#).
2. From the proceedings in this file, the Petitioner appealed to the Court of Appeal whose outcome has not been availed to this court. Only judgment in the murder trial is available and no proceedings have been filed for the court to appreciate circumstances of the case and what the appellate court has stated on the merits of the appeal.
3. I find this petition not merited at this stage. It is premature and is therefore struck out. The petitioner may file a fresh petition after getting the outcome of his appeal from the Court of Appeal.
4. Accordingly, this appeal is stuck out.
5. This file is closed. I so order.

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

R.E. ABURILI

JUDGE

