



REPUBLIC OF KENYA



KENYA LAW
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**Agai v Republic (Criminal Petition E034 of 2021)
[2022] KEHC 14435 (KLR) (26 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14435 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E034 OF 2021
RE ABURILI, J
OCTOBER 26, 2022**

BETWEEN

HEZBORN OKOTH AGAI PETITIONER

AND

REPUBLIC RESPONDENT

RULING

1. This petition for sentencing was filed on 3/6/2021. The Petitioner only filed the petition and warrant of commitment to prison showing that on May 15, 2007 he was sentenced to death for the offence of Robbery with Violence contrary to Section 296(2) of the Penal Code vide Kisumu CM Cr. Case No. 227/2000. Despite the court giving him time to file proceedings and judgment from the lower court and even on appeal to the High Court since this is not the first time he is applying for resentencing (see Petition No. 42/2019) which was struck out on 18/2/2020 for being premature, the Petitioner has not supplied this court with any judgment or proceedings in his criminal case.
2. This file cannot stay in court forever without any action being taken as it adds to backlog each day.
3. The Petitioner is not serious with his petition and the court cannot mention his petition forever without any outcome.
4. I hereby dismiss this petition for non-compliance with court's directions given on 15/2/2022 to file copy of judgment and proceedings from the courts that have handled his case previously.
5. This file is hereby closed.
6. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF OCTOBER, 2022.

R.E. ABURILI



JUDGE

