



**Leshan v Republic (Miscellaneous Criminal Application E114 of 2022)  
[2022] KEHC 14409 (KLR) (26 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14409 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E114 OF 2022  
RE ABURILI, J  
OCTOBER 26, 2022**

**BETWEEN**

**ROBINSON LESHAN ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

**Application for resentencing**

1. The applicant is Robinson Leshan. He claims in his chamber summon, and supported by affidavit filed on 8/9/2022 that he was convicted of the offence of Murder contrary to section 204 of the [Penal Code](#) vide Siaya HCR 22/2019 and sentenced to serve 'mandatory' 20 years imprisonment hence he seeks for resentencing as the sentence imposed on him is unconstitutional. He also seeks for computation of time spent in custody during his trial.
2. I have considered the application and called for the file HCR 22/2019 but the file cited bears names of a different person not the applicant herein.
3. The report from the High Court Registry shows that in the year 2019, the criminal cases were registered up to 18/2019 and not more.
4. For the above reasons that the applicant does not exist in our court records, this application is stray and devoid of any merit. It is hereby dismissed.
5. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 26<sup>TH</sup> DAY OF OCTOBER, 2022**

**R.E. ABURILI  
JUDGE**

