



**Ogola v Republic (Criminal Petition E020 of 2022)
[2022] KEHC 14437 (KLR) (25 October 2022) (Judgment)**

Neutral citation: [2022] KEHC 14437 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E020 OF 2022
RE ABURILI, J
OCTOBER 25, 2022**

BETWEEN

KENNEDY OMONDI OGOLA PETITIONER

AND

REPUBLIC RESPONDENT

*(Petition for Resentencing against conviction and
sentence in Kisumu CM Criminal Case No. 752 of 2012)*

JUDGMENT

1. The Petitioner Kennedy Omondi Ogola was convicted and sentenced to serve 15 years imprisonment on 28/8/2013 by the Chief Magistrate's court Kisumu vide Kisumu CM Cr. Case No. 752/2012 for the offence of grievous harm contrary to Section 234 of the [Penal Code](#).
2. He claims that he has reformed and is trained in Masonry hence he be given a second chance to return to the society as he is rehabilitated and reformed and able to reintegrate into the society.
3. That he is highly disciplined hence this court should remit the remaining sentence as he has served 8 years of the 15 years imprisonment. He also prays that he was not on bond during his trial hence this court should consider the period he spent in custody.
4. Regrettably, despite the very good submissions which are persuasive, the Petitioner never filed copies of proceedings and judgment into court for the court to peruse and confirm that the Petitioner was not on bond during his trial.
5. The learned Judge F.A. Ochieng did give him many opportunities on all the occasions that the petition came up for mention from 13/5/2021, 27/5/2021, 22/9/2021, 9/11/2021, 1/2/2022 and 15/3/2022.
6. Lastly, it was on 22/6/2022 when he was told to file and serve proceedings of the trial court but he has not done so.



7. For the reason that the Petition is unsupported and the Petitioner has not complied with several court orders giving him the opportunity to file the trial court proceedings for this court to consider his petition, even under Section 333 (2) of the *Criminal Procedure Code*, I find this Petition devoid of any merit. The same is hereby dismissed.
8. This file is hereby closed.
9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 25TH DAY OF OCTOBER, 2022

R.E. ABURILI

JUDGE

