



REPUBLIC OF KENYA



KENYA LAW
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**Ochieng v Republic (Criminal Petition E017 of 2022)
[2022] KEHC 14384 (KLR) (21 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14384 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E017 OF 2022
RE ABURILI, J
OCTOBER 21, 2022**

BETWEEN

VICTOR OCHIENG PETITIONER

AND

REPUBLIC RESPONDENT

*(Being an Application for Resentencing in Kisumu High Court Criminal
Case No. 39 of 2014 by Hon. Justice D.S. Majanja J on 6/3/2017)*

RULING

1. I have considered the Petition for resentencing by the applicant/petition Victor Ochieng. The applicant was convicted of the offence of Murder contrary to Section 203 as read with Section 204 of the *Penal Code* and sentenced to death *vide* judgment and sentence perused by D.S. Majanja J on 6/3/2017. This was *vide* Kisumu High Court Criminal Case No. 39 of 2014. He has filed his plea for resentencing at Siaya High Court.
2. The application is misplaced as this court has no geographical jurisdiction to call for, receive and consider matters which ought to be filed before Kisumu High Court. The application is a forum shopping venture which must be discouraged.
3. The application dated and filed on October 17, 2022 is hereby struck out. He can file his petition before Kisumu High Court.
4. The file is closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 21ST DAY OF OCTOBER, 2022

R.E. ABURILI

JUDGE

