



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Mwavaka v Republic (Miscellaneous Criminal Application E097 of 2022)  
[2022] KEHC 15580 (KLR) (18 November 2022) (Ruling)**

Neutral citation: [2022] KEHC 15580 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E097 OF 2022  
RE ABURILI, J  
NOVEMBER 18, 2022**

**BETWEEN**

**AGGREY LIHANDA MWAVAKA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application arising from the Principal  
Magistrate's court at Bondo in Criminal Case No. 350/2012)*

**RULING**

1. The High Court has searched for the file in question HCRA 25/2013 but the same is not available in our records as there was no High Court at Siaya in 2013. The High Court was established in 2015.
2. For the above reason, the application by the applicant is misplaced as this court cannot resentence or review sentence on a file which does not exist.
3. This application by the applicant Henry Luhanda Mwavaka is found to be devoid of any merit and is unsupported.
4. It is hereby dismissed. File is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 18<sup>TH</sup> DAY OF NOVEMBER, 2022**

**RE ABURILI**

**JUDGE**

