



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Martin v Republic (Criminal Petition E014 of 2022)  
[2022] KEHC 16784 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16784 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL PETITION E014 OF 2022  
RE ABURILI, J  
DECEMBER 20, 2022**

**BETWEEN**

**DANIEL OKOTH MARTIN ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Originating from HCRA 13/2017)*

**RULING**

1. The petitioner filed an appeal to the Court of Appeal challenging judgment delivered in HCRA 13/2017 and the original file was forwarded to the Court of Appeal.
2. Accordingly, this court cannot resentence him in a matter which is pending before the Court of Appeal.
3. The petition for resentencing is declined and dismissed.
4. File closed. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20<sup>TH</sup> DAY OF DECEMBER, 2022**

**R.E. ABURILI**

**JUDGE**

