



**Olando v Republic (Miscellaneous Criminal Application E079 of 2022)
[2022] KEHC 16826 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16826 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E079 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

ANTHONY ODHIAMBO OLANDO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. From the applicant's chamber summons and affidavit, his appeals were filed before Court of Appeal. He has not attached any proceedings or judgment from the Court of Appeal to indicate that his appeal was concluded.
2. This court cannot revise sentence in a matter where it resented the applicant and he has an appeal pending before the Court of Appeal. It can also not resentence a convict twice.
3. The application for resentencing is found to be devoid of any merit and is hereby declined.
4. File closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20TH DAY OF DECEMBER, 2022

R.E. ABURILI

JUDGE

