



REPUBLIC OF KENYA



**KENYA LAW**  
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**Otieno v Republic (Miscellaneous Criminal Application E135 of 2022)  
[2022] KEHC 16722 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16722 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E135 OF 2022  
RE ABURILI, J  
DECEMBER 19, 2022**

**BETWEEN**

**JULIUS OJWANG OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for sentence review arising from conviction and sentence in Siaya PM SO Case No. 450/2015 by Hon. H. Wandere, Principal Magistrate on 14.7.2015 and in Siaya HCCRA No. 24 of 2015 by Hon. J.A. Makau J on 28.4.2016)*

**RULING**

1. The applicant was convicted of the offence of incest and sentenced to serve life imprisonment vide Siaya PM SO No 450/2015. He appealed to this court vide HCRA 24/2015 which was heard and dismissed by Makau J on 28/4/2016. He later appealed to the Court of Appeal and this court forwarded the original court file and records to Kisumu Court of Appeal on February 14, 2022.
2. He now wants this court to review his sentence. This court has no jurisdiction to entertain this application where an appeal is pending before the Court of Appeal.
3. The application is dismissed.
4. This file is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 19<sup>TH</sup> DAY OF DECEMBER, 2022.**

**R.E. ABURILI**

**JUDGE**

