



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Opondo v Republic (Miscellaneous Criminal Application E019 of 2022)
[2022] KEHC 16871 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16871 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E019 OF 2022
RE ABURILI, J
DECEMBER 19, 2022**

BETWEEN

VINCENT OWUOR OPONDO APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for resentencing arising from
conviction and sentence in Siaya HCR 27/2018)*

RULING

1. The applicant claims that he was convicted and sentenced to serve life imprisonment *vide* Siaya HCR 27/2018. He seeks for resentencing.
2. This court having convicted and sentenced the applicant cannot resentence him before he exhausts the avenues on appeal. Furthermore, the life imprisonment allegedly imposed on him, it is not stated for what offence he was tried, convicted and sentenced.
3. The petition challenges the evidence which issue can only be raised on appeal not before this court.
4. I find the application which was mischievously filed before Kisumu High Court instead of this court to be devoid of any merit and a waste of judicial time.
5. It is hereby dismissed.
6. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 19TH DAY OF DECEMBER, 2022

R.E. ABURILI

JUDGE

