



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CRIMINAL REVISION NO. E038 OF 2021**

**CORAM: R.E. ABURILI, J**

**GEOFFREY ODHIAMBO ODHIAMBO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for Revision of sentence against sentence in Bondo PM Court's Criminal Case No. 1163 of 2018 on 5/12/2018 by Hon. P.J. Nandi, Principal Magistrate AND Siaya HC Criminal Appeal No. 74 of 2019)*

**RULING**

1. Geoffrey Odhiambo Odhiambo was convicted of the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code. He was sentenced to serve 15 years imprisonment. He appealed to this court vide HCRA 74/2019 which appeal against conviction was dismissed upon withdrawal of the challenge by the appellant but the appeal against sentence was allowed.
2. The 15 years sentence was reduced to 8 years in prison. This court having exercised discretion and resented the convict to a lesser term, it has no further powers to reduce that sentence.
3. Further, punishment for manslaughter, upon conviction, is up to life imprisonment. The court has exhausted its discretion and jurisdiction in sentencing and resentencing of the convict.
4. I have considered the Probation report filed on 15/6/2021 which is persuasive but lacking legal basis.
5. The application is devoid of merit. It is hereby dismissed.
6. File closed.
7. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 30TH DAY OF JUNE, 2021**

**R.E. ABURILI**

**JUDGE**