

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CRIMINAL REVISION NO. E031 OF 2021

CORAM: R.E. ABURILI, J

IBRAHIM ONYANGO OMONDI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence against sentence in Ukwala SRM Court's

Criminal Case No. 565 of 2016 on 26/1/2017 by Hon. G. Adhiambo, Senior Resident Magistrate

AND Siaya HC Criminal Appeal No. 30 of 2017 & HC Criminal Revision No. 172 of 2018)

RULING

1. Ibrahim Onyango Omondi was convicted of the offences of arson and assault. He was sentenced to serve 7 years imprisonment.
2. He appealed to this court vide HCRA 30/2017 which appeal was dismissed. He then filed Revision Case No. 172 of 2018 which was dismissed vide Ruling of this court delivered on 4/6/2019. He now is back seeking for the same revision of sentence orders, to have a second bite at the cherry.
3. I have considered the request in the name of prison decongestion and the Probation officer's report filed on 15/6/2021.
4. This matter does not fall within Section 3(1) of the Community Service Orders Act.
5. Furthermore, this court cannot and has no power and jurisdiction to entertain both appeals and revisions of sentence in the same matter.
6. I find the request an abuse of court process and mockery of justice.
7. The request for sentence revision is hereby declined and dismissed. File closed.
8. Orders accordingly.

Dated, signed and Delivered at Siaya this 30th Day of June, 2021

R.E. ABURILI

JUDGE