



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. E046 OF 2021**

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

**VITALIS OKOTH OMONDI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**(Being an Application for Revision of sentence in Ukwala Principal Magistrate Court Cr. Case No. 565 of 2016 delivered on 02/03/2017 by Hon. G. Adhiambo, Senior Resident Magistrate and Siaya HCRA 27 of 2017, 28 of 2017 and 30 of 2017(Consolidated))**

**RULING**

1. The applicant Vitalis Okoth Omondi was convicted of the offences of arson and assault. He appeared vide HCRA 27 of 2017, 28 of 2017 and 30 of 2017 (consolidated).
2. The above appeals were dismissed.
3. In the said appeals, he withdrew the challenge against conviction and only challenged sentence. The court dismissed the sentence reduction Plea and upheld the six years and 11 months imprisonment.
4. He never appealed to the court of appeal, challenging the decision of this court.
5. Instead, he filed two separate Sentence Revision applications namely: HC Revision 53 of 2019 which was dismissed on 26/9/2019 and HCR Revision 170 of 2018 which was dismissed on 11/7/2019.
6. He has come before this court once again with the third Revision of sentence application. I find the applicant abusing court process. This court having pronounced itself three times on the issue of sentence reduction, cannot sit on its own appeals. Accordingly, the application for sentence revision is hereby declined and dismissed.
7. File closed.
8. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 28<sup>TH</sup> DAY OF JUNE, 2021**

**R.E. ABURILI**

**JUDGE**