



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 68 OF 2020**

**FRANCIS ONYANGO ODWEYO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application for Revision of sentence in Criminal Case No. 73 of 2018 in the Senior Resident Magistrate's Court at Ukwala dated 21.5.2018 before Hon. G. Adhiambo, SRM and a Ruling in Criminal Revision No. 145/2018 at Siaya High Court dated 19/9/2018 before Hon. Lady Justice R.E. Aburili - Judge)*

**RULING**

1. I have considered the sentence Revision application filed by the convict Francis Onyango Odweyo. I observe that the applicant had in 2018 vide HCCR Application No. 145 of 2018 filed a similar application and after the court called for the trial court record, which was submitted and Sentence Review Report filed by the Probation Officer dated 18/9/2018, which report was not in favour of the lenient sentence Review and considered the same on merit, this court did, vide Ruling dated 19/9/2018 dismiss the application for Revision of Sentence of 5 years imprisonment for the offence of grievous harm occasioned to his uncle.

2. That being the case, it would appear that the convict has changed tact and now believes that the memory of this court has faded hence he files a similar application nearly two years later, seeking same orders.

3. Nothing has changed, I reiterate my Ruling of 19/9/2018 in Criminal Revision No. 145/2018 and find this application mischievous, frivolous, and vexatious and an abuse of the court process. The same is hereby dismissed. File closed.

Orders accordingly.

**Dated, signed and Delivered at Siaya this 30<sup>th</sup> Day of July 2020**

**R.E. ABURILI**

**JUDGE**