



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 69 OF 2020**

**ALFRED ODHIAMBO ACHAR.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(Being an Application for Revision of sentence in Criminal Case No. 114 of 2016***

***delivered on 5.5.2020 at Bondo PM's Court)***

**RULING**

1. The Applicant Alfred Odhiambo Achar was convicted for the offence of Manslaughter contrary to Section 202 as read with Section 205 of the Penal Code. He was sentenced to serve 7 years imprisonment by Bondo PM's court in Cr. Case No. 114/2016.
2. He appealed to this court vide HCRA 23/2018 which appeal was dismissed.
3. The applicant/convict now seeks for Sentence revision on account of remorse.
4. I have considered the application for sentence Revision dated 10/8/2020 and the supporting unsworn affidavit. The Applicant claims that he has now served 3 years and 2 months imprisonment of the 7 years prison term imposed.
5. However Section 362-364 of the Criminal Procedure Code on Revision does not permit this court to revise sentence where one has appealed or where he/she could have filed an appeal.
6. This court has no jurisdiction to consider an appeal as well as Revision of sentence simultaneously or where an appeal has been determined, the court cannot consider revising lawful sentence.
7. The sentence imposed was lawful and lenient.
8. I find no jurisdiction to interfere with the same.
9. The application for sentence revision dated 10/8/2020 is hereby dismissed.
10. The file is hereby closed.
11. Orders accordingly.

**Dated, signed and Delivered at Siaya this 11<sup>th</sup> day of August 2020**

**R.E. ABURILI**

**JUDGE**