

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. 58 OF 2020

JOSEPH OWINO OLOO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. On 22/1/2020 this court did make a ruling in Petition No. 48/2019 directing the Applicant/Petitioner to appear before Siaya PM's court for mitigation and resentencing in Criminal Case No. 407/2010.
2. Having done so, this court cannot recall the trial court file as the matter is now in the jurisdiction of the PM's court at Siaya for consideration.
3. Nevertheless, as the Applicant claims that that order made by this court has not been enforced or executed by the trial court. I order that this ruling and proceedings/orders in Petition No. 48 of 2019 be served upon the PM's court at Siaya for necessary action.
4. The Applicant/convict is further guided that in future he should make direct inquires to the Magistrates' Court at Siaya on the status of his case and not to file applications in the High Court to establish the status of his case which is before the Magistrates' Court.
5. This file is closed.
6. Orders accordingly.

Dated, signed and Delivered at Siaya this 29th Day of September, 2020

R.E. ABURILI

JUDGE

In the presence of:

Joseph Owino Oloo, Applicant

Mr. Okachi, Senior Principal Prosecution Counsel for the Respondent

Court Assistants: Brenda and Modestar