



**REPUBLIC OF KENYA**

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

**CRIMINAL DIVISION**

**SIAYA CR. REV. NO. 170, 171 AND 172 OF 2018**

**CORNEL OKETCH OCHIENG ..... 1<sup>ST</sup> APPELLANT**

**VITALIS OKOTH OMONDI ..... 2<sup>ND</sup> APPELLANT**

**IBRAHIM ONYANGO OMONDI ..... 3<sup>RD</sup> APPELLANT**

**VERSUS**

**REPUBLIC ..... RESPONDENT**

*(Being an application for Revision of sentence in Ukwala PMCRC No. 556 of 2016 dated 2.3.2017).*

**RULING**

1. On 14.11.2018 the Convict Cornel Oketch Ochieng filed this Revision/Application urging the Court to revise his sentence of 6 years imprisonment following a conviction vide Ukwala P.M. Cr. Case No. 565/2016 on 2.3.2017. The offence charged was Arson and Assault.
2. However, I ordered for the trial Court record and Probation Officer's Report which were not forthcoming.
3. In the meantime, this Court has learnt that the Convict had appealed vide Siaya H.CR. A 27, 28 and 30 of 2017 consolidated with his Co-convict's appeals and Court records show that on 27.8.2018, this Court delivered a judgment in the above consolidated appeals involving Cornel Oketch Ochieng and Ibrahim Onyango Omondi, dismissing their respective appeals.
4. The same Appellants/Convicts have sought for revision of their respective sentences vide Revision Application No. 170, 171 and 172 of 2019.
5. I have considered the three applications by Vitalis Okoth Omondi, Cornel Oketch Ochieng and Ibrahim Onyango Omondi. As the Law does not allow appeal and revision of sentence together. I find and hold that I lack the necessary jurisdiction to review sentence which was confirmed on appeal
6. These applications are an abuse of Court process and mischievous.
7. They are dismissed
8. The file is closed.

**DATED AT SIAYA THIS 26 DAY OF SEPTEMBER, 2019.**

**HON. LADY JUSTICE R. E. ABURILI**

**JUDGE**