



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

(CORAM: CHERERE-J)

CRIMINAL REVISION NO.105 OF 2018

BETWEEN

VICTOR COLLINS ONYANGO.....APPLICANT

AND

REPUBLIC.....RESPONDENT

(An application for revision of sentence in Criminal Case

No. 422 of 2013 in Senior Principal Magistrate's Court

at Nyando by Hon. B.M.Kimutai (SRM) on 23.4.14)

RULING

1. The applicant was on 23.4.14 sentenced to serve 10 years imprisonment for the offence of manslaughter contrary to section 203 of the Penal Code.
2. This revision is brought by way of the applicant's application filed on 10.8.18 in which applicant seeks review of his sentence on the ground that he has already served 4 years.
3. The powers of the High court in revision cases are contained in Section 362 through to 366 of the Criminal Procedure Code (Cap.75). Section 362 specifically provides as follows:-

“362. The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court”.

3. The applicant did not appeal the sentence. He therefore does not challenge the *correctness, legality or propriety of the sentence passed by the trial court.*
4. Consequently, the application for revision is considered and found to have no merit and it is disallowed.

DATED AND DELIVERED IN KISUMU THIS 25th DAY OF October 2018

T. W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

Applicant - In Person

For the State - Mr Muia