



**Ambego v Republic (Miscellaneous Criminal Application  
E112 of 2024) [2025] KEHC 451 (KLR) (17 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 451 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E112 OF 2024**

**DK KEMEL, J  
JANUARY 17, 2025**

**BETWEEN**

**JARED OTIENO AMBEGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant herein Jared Otieno Ambego has filed the latest application seeking for sentence review. The applicant's gravamen is inter alia; that he had been charged with an offence of robbery with violence contrary to Section 295 as read with Section 296(2) of the *Penal Code* vide Bondo Chief Magistrate's Court No. 966 of 2010 wherein he was convicted and sentenced to serve death; that he lodged an appeal to the High Court at Kisumu which was dismissed. That he moved to the Court of Appeal at Kisumu vide CRA No. 130 of 2013 which was also dismissed; that he has since filed a revision application for resentence vide Misc. Cr. Application No. 13 of 2019 wherein the sentence was reduced to 50 years' imprisonment; he has since undergone rehabilitation and that the sentence of 50 years goes beyond his life expectancy.
2. I have given due consideration to the application and the averments in support thereof. It is not in dispute that the Applicant has exhausted all his appeals. It is also not in dispute that the Applicant has not lodged an appeal to the Court of Appeal regarding the order of resentencing which reduced his sentence from life imprisonment to fifty years imposed by this court. It is also not in dispute that this court is already functus officio and has no jurisdiction over this matter. The Applicant should respect the hierarchy of the court system and proceed to the Court of Appeal for redress if aggrieved by this court's decision. The conduct of the Applicant coming back to this court yet his resentencing application had been determined is an abuse of the court process and akin to playing lottery with the courts. This cannot be countenanced.
3. In the result, I find the application dated 12/9/2024 lacks merit. The same is dismissed.



**DATED AND DELIVERED AT SIAYA THIS 17<sup>TH</sup> DAY OF JANUARY 2025.**

**D. KEMEI**

**JUDGE**

In the presence of:

N/A Jared Otieno Nyambego.....Applicant

M/s Kerubo.....for Respondent

Mboya .....Court Assistant

