



**Olango v Republic (Criminal Revision E093 of 2024)
[2025] KEHC 512 (KLR) (17 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 512 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E093 OF 2024
DK KEMEL, J
JANUARY 17, 2025**

BETWEEN

FREDRICK OCHIENG OLANGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein Fredrick Ochieng Olango has filed the present application seeking for revision of sentence. His case is that he had been sentenced to death vide Ukwala Senior Resident Magistrate Court Cr. No. 603 of 2011. That the said sentence of death was later commuted to life imprisonment by the President. That he lodged an appeal vide Siaya HCRA No. 31 of 2016 wherein the sentence of life imprisonment was reduced to 35 years imprisonment. That he now seeks for a further review of his sentence.
2. I have given due consideration to the application and the averments in the supporting affidavit. It is not in dispute that the Applicant lodged an appeal to this court vide HCRA 31 of 2016 wherein the sentence of life imprisonment was reduced to 35 years imprisonment. It is not in dispute that the Applicant has not indicated whether he has lodged and appeal to the Court of Appeal following the determination of his appeal vide HCRA 31 of 2016. As the Applicant’s appeal has since been determined and that his sentence reduced from life imprisonment to 35 years, then this court has become functus officio . The Applicant cannot be allowed to come back again to this court for a further review of his sentence. The Applicant should move to the Court of Appeal for redress if aggrieved by the decisions of this court. No reasons have been given by the Applicant as to why he has not lodged an appeal to the Court of Appeal.
3. In view of the foregoing, it is my finding that the Applicant’s application dated 23/9/2024 lacks merit. The same is dismissed.

DATED AND DELIVERED AT SIAYA THIS 17TH DAY OF JANUARY 2025.



D. KEMEI

JUDGE

In the presence of:

.....Applicant

.....for Respondent

.....Court Assistant

