



**Omondi v Republic (Criminal Miscellaneous Application
E054 of 2024) [2025] KEHC 511 (KLR) (17 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 511 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL MISCELLANEOUS APPLICATION E054 OF 2024**

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

BETWEEN

MAUREEN AUMA OMONDI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein Maureen Auma Omondi has sought for sentence review on the grounds that the 20 years imprisonment is excessive in the circumstances.
2. I have given due consideration to the application. It is not in dispute that the Applicant was sentenced to serve 20 years imprisonment for an offence of manslaughter contrary to Section 202 as read with Section 205 of the *Penal Code* vide Ukwala Resident Magistrate's Court Cr. No. 654 of 2015. It is not in dispute that the Applicant has not availed evidence to the effect that she lodged an appeal to the High Court over the conviction and sentence. It is also not in dispute that the Applicant herein filed a revision application No. 65 of 2019 which was determined by Aburili J, on 16/12/2019 wherein she dismissed the same. It is also not in dispute that the Applicant filed another application vide Siaya High Court No. E002 of 2022 which was determined by Aburili J, on 27/1/2022 wherein she dismissed it. It is not in dispute that the Applicant has not lodged appeals against the original conviction and sentence and further failed to lodge appeals against dismissal of the application for sentence review vide HCCR Rev. 65/2019 and E002 of 2022 to the Court of Appeal. It is not in dispute that this court has already entertained the Applicant vide two applications and therefore it is already *functus officio* and lacks jurisdiction to entertain the matter again.
3. It is clear that the Applicant is now playing lottery with the courts. Indeed, the sentence imposed was quite lenient and commensurate with the circumstances of the case since the Applicant killed her own biological child so as to get even with her estranged husband. The innocent child did not deserve to die. As the maximum sentence for manslaughter is life imprisonment, the sentence imposed against



the Applicant was lawful and lenient. I see no reason to interfere with the same owing to the principle of functus office.

4. In the result, it is my finding that the Applicant's application filed on 14/6/2024 lacks merit. The same is dismissed. This file is ordered closed.

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

D. KEMEI

JUDGE

In the presence of:-

.....Applicant

.....for Respondent

.....Court Assistant

