



**Osewe v Republic (Criminal Miscellaneous Application  
E069 of 2025) [2025] KEHC 8798 (KLR) (20 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8798 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL MISCELLANEOUS APPLICATION E069 OF 2025**

**A MABEYA, J**

**JUNE 20, 2025**

**BETWEEN**

**ISAAC OMONDI OSEWE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Isaac Omondi Osewe was charged with two offences of Robbery with violence contrary to section 296 (2) of the [Penal Code](#). He was sentenced to death on both. The sentences were later commuted to life.
2. On 5/2/2025 the applicant took out a Motion on Notice under Articles 27, 28 and 50 (2) of the [Constitution](#). He sought that he be resentenced.
3. The appellant had appealed against the conviction and sentence to this Court and the Court of Appeal but both appeals were declined. The High Court (Chemitei, J) dismissed his appeal on 23/3/2016 while the Court of Appeal dismissed his appeal on 7/10/2022.
4. I have considered the motion together with the supporting affidavit sworn on 5/2/2025. I have considered the provisions of the [Constitution](#) and the law cited in the Motion. I have considered that the applicant has had the Court of Appeal, which is superior to this court, consider his conviction and sentence.
5. Since the Court of Appeal has already dismissed the applicant's case, this Court cannot seek to second guess that Court. There is no jurisdiction to do that.
6. In the premises, I hold that the Court has no jurisdiction and strikes out the application.  
It is so ordered.

**DATED, AND DELIVERED AT KISUMU THIS 20<sup>TH</sup> DAY OF JUNE, 2025.**



**A. MABEYA, FCI Arb**

**JUDGE**

