



**Agai v Republic (Miscellaneous Criminal Application
E076 of 2024) [2024] KEHC 5705 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5705 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E076 OF 2024**

RE ABURILI, J

MAY 21, 2024

BETWEEN

HEZBORN OKOTH AGAI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Chief
Magistrate's Court Criminal Case No. 227 of 2000 at Kisumu)*

RULING

1. I have considered the application dated May 6, 2024 under certificate of urgency.
2. I find no urgency involved. I decline to certify it as urgent.
3. On whether this court should review the sentence on account that the Applicant has served over 25 years in prison having exhausted all appeal avenues for the conviction under section 296 (2) of the [Penal Code](#), the offence of robbery with violence for which he was sentenced to death, which term was commuted to life imprisonment, I find no legal ground for the review sought.
4. The application is dismissed.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 21ST DAY OF MAY, 2024

R. E. ABURILI

JUDGE

