



**Kazungu v Republic (Miscellaneous Criminal Application
E064 of 2024) [2024] KEHC 5015 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5015 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E064 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

IDD HASSAN KAZUNGU APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Chief
Magistrate's Court Criminal Case No. 299 of 2012 at Kisumu)*

RULING

1. I have considered the application by way of Notice of Motion dated 3rd May 2024 by Idd Hassan Kazungu.
2. I decline to certify it as urgent as no urgency is disclosed.
3. On the other hand, the Applicant seeks for resentencing through Miscellaneous Application.
4. Resentencing can only be handled through a Constitutional Petition or decision of the court of Appeal upon exhaustion of the avenues on appeal.
5. There are no court proceedings and judgments annexed, from the levels of appeal that the Applicant claims he exhausted.
6. The application is incompetent and unsupported. It is dismissed.
7. File closed.
8. Ruling to be typed.
9. Signal to issue.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 9TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

