



**Makutsa v Republic (Miscellaneous Criminal Application
E065 of 2024) [2024] KEHC 5018 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5018 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E065 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

RODGERS MAKUTSA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Senior Principal
Magistrate's Court Criminal Case No. 267 of 2012 at Maseno)*

RULING

1. The Applicant is Rodgers Makutsa. He applies vide the Notice of Motion dated 6th May 2024 for sentence reduction.
2. He annexes warrant of committal to prison in Maseno SPM Criminal Case No. 267 of 2012 where he was sentenced to serve two (2) years imprisonment on 16th May 2012 for the offence of malicious damage to property by J. O. Ongondo, SRM.
3. He does not annex any court proceedings or judgment for this court to appreciate the circumstances that led to his conviction and sentence.
4. There is no indication whether he appealed and if not, why, or the outcome of the appeal.
5. I find no basis upon which to interfere with the sentence as there in his affidavit and grounds he says he was serving 20 years' imprisonment for the offence of gang rape vide Sexual Offences No 1018 of 2010, which is inconsistent with his pleading that he was convicted of malicious damage to property.
6. I find the application is not merited. It is dismissed.
7. Signal to issue.



8. File closed.

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

R. E. ABURILI

JUDGE

