



**Okumu v Republic (Miscellaneous Criminal Application
E059 of 2024) [2024] KEHC 5019 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5019 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E059 OF 2024**

RE ABURILI, J

MAY 9, 2024

BETWEEN

JAMES ONYANGO OKUMU APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the High
Court Criminal Case No. E033 of 2022 at Kisumu)*

RULING

1. The Applicant is a convict in Kisumu HCCRC No. E033 of 2022 where he claims he was convicted and sentenced to serve 12 years in prison for the offence of manslaughter contrary to section 202 as read with section 205 of the *Penal Code*.
2. He now applies for sentence Review and reduction to 10 years' imprisonment or to a least severe sentence because he has children aged 7 and 13 years old and he is their sole breadwinner.
3. I have considered the application. I have no jurisdiction to reduce sentence imposed by court of concurrent jurisdiction in this matter where it is not even clear which Judge and when the sentencing was done as no court proceedings were annexed, to establish if he was on bond or not during trial.
4. I decline to grant the orders sought.
5. The application dated April 15, 2024 is dismissed.
6. The file is closed.
7. Signal to issue.

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



R. E. ABURILI
JUDGE

