



REPUBLIC OF KENYA



**Otieno v Republic (Criminal Revision E096 of 2024)
[2024] KEHC 7285 (KLR) (12 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7285 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E096 OF 2024
RE ABURILI, J
JUNE 12, 2024**

BETWEEN

FRANCIS ODAME OTIENO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Kisumu
Chief Magistrate's Court Criminal Case No. 250 of 2004)*

RULING

1. The Applicant Francis Odame Otieno is a convict of robbery with violence contrary to Section 295 as read with Section 296 (2) of the [Penal Code](#).
2. This was vide Kisumu Chief Magistrate Criminal Case No. 250 of 2004, over 20 years ago.
3. He appealed to the High Court vide HCCRA No. 211 of 2004 which appeal was dismissed and so was his appeal to Court of Appeal vide Court of Appeal Criminal Appeal No. 490 of 2007.
4. He now seeks for review of mandatory death sentence which was commuted to life imprisonment.
5. I am unable to find any material upon which to review the lawful sentence as no proceedings were filed for perusal and consideration.
6. The application dated 25th April 2024 is hereby dismissed.
7. This file is closed.
8. Applicant to be notified.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF JUNE, 2024

R. E. ABURILI



JUDGE

