



**Janeno v Republic (Miscellaneous Criminal Application 93 of 2023)
[2024] KEHC 16865 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 16865 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 93 OF 2023
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

JACK OMOLLO JANENO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant jack Omollo Janeno is a convict of the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) vide Siaya HCCR E011/2021. He was sentenced to serve fifteen (15) years imprisonment on 25/4/2022. He never appealed.
2. The record shows that on 20/12/2022, he filed an application for sentence reduction which application was dismissed vide Misc. Cr. Application E151/2022. He has now filed another application dated 3/4/2023 after the convicting Judge left the Court station, seeking for review of the 15 years prison term. Parties were directed by my late brother to file submissions and both complied.
3. I have considered the application and rival submissions. First and foremost, this court dismissed a similar application vide Misc. Cr. App. E151/2022 for want of jurisdiction to review sentence imposed in exercise of judicial discretion noting that the applicant was given the most lenient sentence for unlawfully killing a minor child. The court was extremely lenient as it would have given him death sentence.
4. Additionally, the applicant was on bond during his trial and in the sentencing order of 25/4/2022, the period spent in custody was taken into account hence he cannot be heard to lament that the period in custody was not considered.
5. I find the application for sentence review to be mischievous, an abuse of this court's process and devoid of merit. It is hereby dismissed. This file is closed. The ruling to be typed and uploaded.



RULING DATED, SIGNED AND DELIVERED THIS 22ND DAY OF OCTOBER, 2024

R. E. ABURILI

JUDGE

