



REPUBLIC OF KENYA



**Labilo v Republic (Criminal Miscellaneous Application E003 of 2024)
[2024] KEHC 13431 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13431 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL MISCELLANEOUS APPLICATION E003 OF 2024
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

ERICK OMOLO LABILO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Erick Omolo Labilo is a convict in Bondo SPM Cr. 1124/2018 for the offence of manslaughter contrary to Section 202 as read with Section 205 of the *Penal Code*. He was sentenced to serve 10 years imprisonment.
2. He filed two appeals HCCRA 70 & 71 of 2019 which he voluntarily withdrew from court on 18/11/2019.
3. He then returned to this court vide Misc. Cr. App. E022/2022 seeking that the period of 2 years, 2 months and 23 days spent in custody be considered and this court vide ruling of 7/3/2022 declined to grant the order sought, giving reasons contained in that ruling.
4. The convict is back vide an application dated 22/6/2023 seeking the same prayers. The offence of manslaughter, upon conviction carries up to life imprisonment.
5. The applicant acknowledged that he was given extremely lenient sentence and hence his withdrawal of the two appeals which he had lodged against conviction and sentence.
6. I find no reason to revisit the matter which was settled vide the ruling of the court in Misc. Cr. Appl. E022/2022.
7. I dismiss the application dated 22/6/2023 for abuse of court process and want of merit.
8. This file is closed. I so order.



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

R. E. ABURILI

JUDGE

