



Mumbo v Republic (Miscellaneous Criminal Application E080 of 2023) [2024] KEHC 13379 (KLR) (22 October 2024) (Ruling)

Neutral citation: [2024] KEHC 13379 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E080 OF 2023
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

BERNARD OMONDI MUMBO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Bernard Omondi Mumbo is a convict in Bondo SPM Cr. Case No. 69'B' of 2019 with the offence of robbery with violence contrary to Section 295 as read with Section 296 (2) of the Penal Code. He was sentenced to serve 14 years imprisonment. This was on 15/12/2020.
2. He filed an appeal to this Court vide HCCRA E022/2020 which appeal against conviction was dismissed but the appeal against sentence was allowed on 20th January 2022 3with the court directing that the file be returned to the trial court to impose lawful appropriate sentence.
3. The court never appealed from the sentence imposed and he now claims that he was sentenced to death on 15/12/2020. He has not annexed any death warrant. I have perused the proceedings and judgment in the appeal file and trial court and I find no death sentence pronounced and even if there was, which is not evident, it is lawful sentence, this court having dismissed the appeal against conviction.
4. I observe that the convict was very troublesome during the trial and even absconded the hearing only for him to lament that he was denied a fair trial which this court found to be a lie in the judgment on appeal.
5. It is not surprising that when the convict realized that the judge who had heard his appeal had been transferred from the court station, he filed this application seeking leave to appeal out of time from the death sentence imposed by Bondo PM's Court, which sentence is not self-evident from the documents that he has filed.



6. I find no substance in the application dated 25/5/2023 and filed in court on 16/6/2023. It is hereby dismissed.
7. This file is closed.

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

R. E. ABURILI

JUDGE

