



**Ndar v Republic (Miscellaneous Criminal Application
E005 of 2023) [2023] KEHC 797 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 797 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E005 OF 2023
RE ABURILI, J
FEBRUARY 9, 2023**

BETWEEN

NICHOLAS OMONDI NDAR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have perused the application filed on 6/2/2023 for resentencing. Proceedings for resentencing are serious proceedings. The applicant has not annexed any court proceedings for this court’s consideration and neither has he filed any documents that this court would peruse to satisfy itself on the merits of the application considering the death sentence as commuted to life imprisonment was on conviction for the offence of Robbery with violence.
2. I find the application to be unsupported, the proceedings having been escalated to the High Court at Kisumu such that the applicant ought to avail proceedings and judgment and evidence that no other proceedings are pending before the Court of Appeal.
3. The application is accordingly declined and dismissed.
4. File closed.
5. I so order

DATED, SIGNED AND DELIVERED AT SIAYA THIS 9TH DAY OF FEBRUARY, 2023

R.E. ABURILI

JUDGE

