



**Wanyama v Republic (Criminal Revision E003 of 2022)
[2023] KEHC 2464 (KLR) (23 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2464 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E003 OF 2022
RE ABURILI, J
MARCH 23, 2023**

BETWEEN

FRANCO WANYAMA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Criminal Case No E1417 of 2021
in the Chief Magistrate's Court at Kisumu delivered on 29th November 2021)*

RULING

1. This matter was filed on February 14, 2022 as a revision for sentence by Franco Wanyama through David Wanga, a Trade Information Office Desk Manager, Busia Kenya, who wrote a letter to court on February 10, 2022 explaining the circumstances of the convict Franco Wanyama, who was convicted of being unlawfully present in Kenya.
2. This court on February 17, 2022 ordered for a mental assessment report on the convict and investigations into the authenticity of the letter dated July 15, 2020 which is a mental assessment report from Busia County Referral Hospital.
3. I observe that the convict was fined Kshs 50,000/= in default to serve six (6) months imprisonment on November 29, 2021 by Hon J Wambilyanga, SPM, in Kisumu CMCRC No 1417 of 2021. Six (6) months lapsed long ago on March 29, 2022. It follows that the request for revision of sentence is no longer necessary as it has been overtaken by lapse of time.
4. The request for sentence revision is accordingly declined and dismissed.
5. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 23RD DAY OF MARCH, 2023



R. E. ABURILI
JUDGE

