



REPUBLIC OF KENYA



KENYA LAW
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**Mwajuma v Republic (Criminal Revision E096 of 2021)
[2023] KEHC 3254 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3254 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E096 OF 2021
RE ABURILI, J
APRIL 13, 2023**

BETWEEN

RAMADHAN MWAJUMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter was initiated on 22nd December 2021 and a sentence review report called for. Despite the lower court file Maseno Senior Principal Magistrate's Court Criminal Case No. E317 of 2021 being availed, the revision file was not acted upon.
2. I have perused the lower court file wherein the convict Ramadhan Mwajuma was sentenced to serve two (2) years imprisonment on 24th June 2021 for the offence of escape from lawful custody contrary to Section 123 as read with Section 36 of the *Penal Code*.
3. He had initially been charged with the offence of being in possession of Narcotic drugs.
4. As the Convict has a pending criminal case in court, I find the sentence review in this case not appropriate as he escaped from lawful custody in a case where he could simply have applied to be released on bond pending trial.
5. The application for sentence review is dismissed.
6. Order to be extracted.
7. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 13TH DAY OF APRIL, 2023

R. E. ABURILI



JUDGE

