



**Oudu v Republic (Miscellaneous Criminal Application  
E058 of 2022) [2023] KEHC 3825 (KLR) (2 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 3825 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E058 OF 2022**

**RE ABURILI, J**

**MAY 2, 2023**

**BETWEEN**

**ELIUD OSWAGO OUDU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant is Eliud Oswago Oudu. He claims that he was convicted and sentenced to death for the offence of murder contrary to section 203 as read with section 204 of the [Penal Code](#) on December 14, 2011 vide Kisumu HCCRC No. 41 of 2008.
2. According to the applicant, he appealed and the death sentence was reduced to twenty five (25) years imprisonment without considering section 333(2) of the [Criminal Procedure Code](#), on the period he spent in custody.
3. He claims that he opted not to appeal to the court of Appeal. He has not annexed any proceedings or judgement or commitment to prison warrant.
4. Furthermore, this court does not comprehend how this court could have sentenced the applicant to death and then sit on its own appeal in a case file not cited at all and purport to reduce the death sentence to twenty five (25) years imprisonment.
5. I find the application is mischievous and devoid of any truthful information or material. It is hereby dismissed.
6. File closed.

**Dated, Signed and Delivered at Kisumu this 2<sup>nd</sup> Day of May, 2023**

**R. E. ABURILI**



**JUDGE**

