



**Ogejo v Republic (Criminal Miscellaneous Application 133 of 2023)  
[2024] KEHC 13442 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13442 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL MISCELLANEOUS APPLICATION 133 OF 2023  
RE ABURILI, J  
OCTOBER 22, 2024**

**BETWEEN**

**KELVIN OTIENO OGEJO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant Kelvin Otieno Ogejo with Another, were convicted of the offence of murder contrary to Section 203 as read with Section 204 of the Penal Code vide Siaya HCCR 7 of 2020. He was sentenced to serve life imprisonment on 13/10/2021.
2. He now applies for sentence review. He claims in his application dated 21/6/2023 that he appealed to the Court of Appeal and his appeal was summarily dismissed.
3. He wants lenient definite sentence as provided for in Article 50 (2) (p) (q) of the Constitution.
4. Both parties filed written submissions which I have considered. I find no jurisdiction and merit on the application for sentence review noting that the convict could have been sentenced to death for the brutal murder of the deceased.
5. The court considered all the circumstances of the case noting that the convict herein was a dangerous criminal as disclosed in the chilling evidence on record.
6. Furthermore, he filed a Notice of Appeal on 26/10/2021 and that in itself removes from this court any power to relook into the lenient sentence imposed on the dangerous criminal who must be kept away from society.
7. The application for sentence review dated 21/6/2023 is found to be without merit and is hereby dismissed.



8. Signal to issue. This file is closed.

**RULING DATED, SIGNED AND DELIVERED THIS 22<sup>ND</sup> DAY OF OCTOBER, 2024**

**R. E. ABURILI**

**JUDGE**

