



**Oloo v Republic (Miscellaneous Criminal Application E061 of 2023)
[2024] KEHC 13376 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13376 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E061 OF 2023
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

DANIEL OTIENO OLOO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Daniel Otieno Oloo is a convict in Siaya CM Cr. No. 3/2018 of the offence of robbery with violence contrary to Section 296 (2) of the *Penal Code*.
2. He filed HCCRA 44 A/2018 jointly with Kennedy Odhiambo Onyango, which appeal was allowed on sentence of life imprisonment reduced to 30 years imprisonment on 6/10/2020.
3. He filed HC CR. Misc. Application E093/2022 seeking leave to appeal out of time two years later and the application was dismissed on 11/10/2022. He now by his application subject of this ruling dated 24/5/2023 seeks for rehearing of sentence.
4. He filed submissions to canvass the application. The prosecution too filed submissions dated 14/5/2024 opposing the application.
5. I have considered the application, submissions and the court records on appeal.
6. This court having exercised discretion to reduce life sentence to 30 years imprisonment is now functus officio and devoid of jurisdiction to review the sentence further.
7. The application for sentence review dated and filed on 24/5/2023 is found to be devoid of any merit and is hereby dismissed.
8. This file is closed.

RULING DATED, SIGNED AND DELIVERED THIS 22ND DAY OF OCTOBER, 2024



R. E. ABURILI
JUDGE

