



**Oyoko v Republic (Miscellaneous Criminal Application E063 of 2023)
[2024] KEHC 13282 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13282 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E063 OF 2023
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

PASCAL OCHIENG OYOKO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Pascal Ochieng Oyoko was convicted of the offence of murder contrary to Section 203 as read with Section 204 of the [Penal Code](#) and sentenced to serve 35 years imprisonment on 30/11/2020 vide Siaya HCCR 22/2017.
2. He now applies for sentence reduction because the sentence “demeaned him, taking away his dignity and discriminating him leading to social justice”
3. The court ordered that the sentence was to run from 20/9/2017 date of arrest and that he was not eligible for remission of sentence.
4. I have considered the application and the circumstances under which the convict decapitated the deceased to death. The convict deserved death sentence but he was handed a lenient 35 years in prison.
5. I find no reason to review the sentence pronounced as the court is now *functus officio* and without jurisdiction.
6. The application for sentence review dated 2/5/2024 is now *functus officio* and without jurisdiction.
7. The application for sentence review dated 2/5/2023 is dismissed.
8. This file is closed.

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



R. E. ABURILI
JUDGE

