



REPUBLIC OF KENYA



**Ochayo v Republic (Miscellaneous Criminal Application E213 of 2024)
[2024] KEHC 13684 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13684 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E213 OF 2024
RE ABURILI, J
NOVEMBER 7, 2024**

BETWEEN

JEREMIAH OMBITSI OCHAYO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Maseno Senior
Principal Magistrate's Court Criminal Case No. 120 of 2012)*

RULING

1. The Applicant Jeremiah Ombitsi Ochayo is a convict in Maseno SPM Criminal Case No. 120 of 2012 for the offence of robbery with violence where he was sentenced to 15 years' imprisonment but on appeal it was enhanced to death.
2. The death penalty was commuted to life imprisonment by the President. He now seeks review of the sentence to a term sentence.
3. This court has no jurisdiction to reduce the sentence lawfully imposed by the court of competent and concurrent jurisdiction.
4. The application dated 22nd October 2024 for sentence review is found to be devoid of merit and is therefore dismissed.
5. Signal to issue. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF NOVEMBER, 2024.

R. E. ABURILI

JUDGE

