



REPUBLIC OF KENYA



KENYA LAW
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**Onyancha v Republic (Criminal Revision E145 of 2024)
[2024] KEHC 13859 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13859 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E145 OF 2024
RE ABURILI, J
NOVEMBER 7, 2024**

BETWEEN

DOUGLAS ONYANCHA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original conviction and sentence in Kisumu High Court Criminal Case No. 27 of 2015)

RULING

1. The applicant Douglas Onyancha is a convict in Kisumu HC Criminal Case No. 27 of 2015 where he was jointly charged and convicted with 3 others for the offence of murder contrary to Section 203 as read with Section 204 of the *Penal Code*.
2. From his application for sentence revision, his co-accused convicts appealed to the Court of Appeal which upheld the conviction but remitted the matter to the High Court to consider sentence rehearing.
3. The Convict herein appears not to have appealed. He now wants sentence revision based on the appeals by his co-convicts.
4. I have considered the application and no doubt, this court has no power to revise sentence imposed by the same court of concurrent jurisdiction, where there is no specific petition or order for resentencing.
5. Revision of sentence is governed by a totally different legal regime. It is not the same as resentence hearing espoused in the *Francis Karioko Muruatetu & another v Republic* [2017] eKLR case.
6. The sentence imposed was lawful and neither did the Supreme Court in the Muruatetu Case outlaw the death penalty. An aggrieved party has an unhindered right of appeal or petition for resentencing, not to return to this court to revise sentence.
7. I find the application dated 7th October 2024 to be devoid of any merit. It is dismissed.



8. Signal to issue.

9. This file is closed.

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

R. E. ABURILI

JUDGE

