



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MACHAKOS**

Coram: Hon. D. K. Kemei - J

**CRIMINAL PETITION E002 OF 2021**

**PETER MUSYOKA HARUN...APPLICANT**

**-VERSUS-**

**REPUBLIC.....PROSECUTOR**

**RULING**

1. The Applicant **PETER MUSYOKA HARUN** vide application filed on 12<sup>th</sup> January, 2021 repeated his earlier Notice of Motion filed on 24.4.2019 and yet again sought a resentence hearing.
2. The state opposed the application and submitted that this court is functus officio hence the application should be directed to the Court of Appeal.
3. I have considered the application. Having addressed myself to the same application vide ruling rendered on 23<sup>rd</sup> November, 2020 where the applicant was directed to approach the Court of Appeal, I see no need to repeat myself. The applicant should heed the advice given vide the ruling rendered in **Hccr Misc. No. 68 of 3019** by seeking redress in the Court of Appeal.
4. The application filed on 12.01.2021 is hereby dismissed for want of merit.

It is so ordered.

**DATED AND DELIVERED AT MACHAKOS THIS 8<sup>TH</sup> DAY OF JULY, 2021**

**D. K. KEMEI**

**JUDGE**