

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

CRIMINAL PETITION NO. E018 OF 2021

DOUGLAS OTIENO OKUMU.....APPELLANT

-VERSUS-

REPUBLIC.....RESPONDENT

JUDGMENT

The Petitioner **Douglas Otieno Okumu**, was convicted and sentenced to twenty (20) years imprisonment by Senior Resident Magistrate Rongo in Criminal Case No. 182 of 2018 for the offence of grievous harm contrary to Section 234 of the Penal Code and was sentenced to twenty (20) years imprisonment.

He was dissatisfied with the said judgment and appealed to the High Court in Criminal Appeal No. 62 of 2018. J. Mrima dismissed the Appeal.

The Petitioner has now filed this Petition pursuant to Articles 23, 25, 27(1)(2)(4)50(2), 159 and 165(3) of the Constitution. His prays that the court do exercise leniency and reduce his sentence; that he has reformed from the programmes he has undertaken in prison.

Mr. Kimanthi opposed the petition and urged the petition is an abuse of the Court process and that if the petitioner has any recourse, he should move to the Court of Appeal.

Although the petitioner invoked the Articles of the Constitution he did not allude to any Constitutional right that has been infringed.

The petitioner was heard on appeal by the High Court, which is a court of concurrent jurisdiction. This court cannot exercise supervisory jurisdiction over another High Court. If the petitioner is still aggrieved, he should move to the Court of Appeal.

In the end, I find this petition to be an abuse of the court process. It is hereby dismissed

DELIVERED, DATED AND SIGNED AT MIGORI THIS 22ND DAY OF SEPTEMBER, 2021.

R. WENDOH

JUDGE