

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CRIMINAL APPLICATION NO. E103 OF 2021

CORAM: R.E. ABURILI, J

CHRISTOPHER OTIENO AMOLLO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. I have considered the Application/Petition filed on 1/11/2021 which is not supported by any sworn affidavit. I observe that the convict was sentenced to death for the offence of Robbery with violence.
2. That sentence was commuted to life imprisonment. He then applied for resentencing before the clarification in the Francis Muruatetu v Republic [2017] eKLR case and was lucky to have his life imprisonment substituted with 30 years imprisonment. He now wants further resentencing.
3. The convict was given the least severe sentence through resentencing based on the Francis Muruatetu & Another Vs Republic [supra] decision. He has exhausted his opportunities for resentencing and cannot have a second bite at the cherry simply because he has served sixteen years in prison.
4. For that reason, I find the application devoid of merit and an abuse of court process. The same is hereby dismissed.
5. Applicant to be notified in prison using the email that send the application.
6. File closed.
7. Orders accordingly,

DATED, SIGNED AND DELIVERED AT SIAYA THIS 3RD DAY OF NOVEMBER, 2021

R.E. ABURILI

JUDGE