



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E110 OF 2021**

**CORAM: R.E. ABURILI, J**

**JULIUS ODUOR OGOLLA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(An Application arising from conviction and sentence of the High Court at Siaya in Cr. Case No. 29 of 2015)*

**RULING**

1. This matter is related to **Misc. Criminal Application No. E115/2021 and E111/2021**. In both cases, the original trial court file is **Siaya HCR 29/2015** where they were convicted of the lesser offence of Manslaughter contrary to **Section 202** after a trial for murder and sentenced to serve 10 years imprisonment. There is no appeal lodged.

2. The applicant/convict was released on bond pending trial and was given the less severe sentence as contemplated in **Article 50(2)(p) and 25(2) of the Constitution**.

3. Considering the maximum punishment for Manslaughter upon conviction is upto life imprisonment, I find the applicant to be mischievous and his application is misconceived. The same is hereby declined and dismissed.

4. File closed.

**Dated, signed and delivered at Siaya this 16<sup>th</sup> Day of November, 2021**

**R.E. ABURILI**

**JUDGE**