



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E112 OF 2021**

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

**PETER OMONDI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application arising from conviction and sentence of the Principal Magistrate's court*

*at Ukwala in Criminal Case No. 15 of 2017)*

**RULING**

1. The applicant was convicted of the offence of rape contrary to Section 3(1) and sentenced to serve 8 years 4 months imprisonment. He claims that he did not appeal and wants sentence reduction.
2. However, the records show that he appealed vide *Siaya HCRA 56/2017* at Siaya High Court which appeal was dismissed. This court is deprived of jurisdiction to revisit the same matter having pronounced itself on conviction and sentence imposed on the applicant.
3. I find the application devoid of merit. I declined it and dismiss it.
4. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 16<sup>TH</sup> DAY OF NOVEMBER, 2021**

**R.E. ABURILI**

**JUDGE**