

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E121 OF 2021

CORAM: R.E. ABURILI, J

MOSES OWUOTH MIGELE.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for reduction of sentence arising from conviction and sentence of the

Principal Magistrate's Court at Siaya in Criminal Case No. 312 of 2016 and

HCCRA No. 130/2017)

RULING

1. The applicant was convicted of the offence of Manslaughter contrary to section 202 of the Penal Code vide **Siaya PM Cr. 312/2016** and sentenced to serve life imprisonment. He appealed to this court vide **HCRA 130 of 2017** and his appeal against sentence was allowed, setting aside the life imprisonment and substituting it with a very lenient sentence of 15 years imprisonment. He now wants to have a second bite at the cherry by seeking for further reduction of sentence.
2. The applicant/convict is abusing court process. He must be stopped with an order that this application is mischievous, and an abuse of court process as this court is deprived of any further jurisdiction to interfere with its earlier judicial discretion.
3. The application is dismissed.
4. File closed.

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

R.E. ABURILI

JUDGE