



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. 9 OF 2020**

**(CORAM: R. E. ABURILI - J.)**

**JOSEPH ADEKA OTWALA.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

***(Being an Application seeking sentence reduction against conviction and sentence vide PM's court, Bondo vide Criminal Case No. 951 of 2018)***

**RULING**

1. The Application filed on 3/2/2020 seeking that this court commutes 2 year prison term to non-custodial sentence is an abuse of court process. The court has no executive powers to commute sentences. There is no appeal before the court and neither is there any application for revision of sentence to be considered within those parameters of the law.

2. The application is dismissed.

3. File closed.

4. Orders accordingly.

**Dated, signed and delivered at Siaya, this 3<sup>rd</sup> day of March, 2020.**

**R.E. ABURILI**

**JUDGE**

***In the presence of:***

Applicant in person

Mr. Okachi, SPPC for State

Court Assistants: Ishmael Orwa and Modestar Mutiemani