

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL APPLICATION NO. 59 OF 2020

VINCENT NUNDE MURUNGA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an application seeking for sentence reduction from original Butali PM's Court Criminal Case No. 105 of 2013, Kakamega HC Cr. A No. 175 of 2013 and, Kisumu Court of Appeal Cr. Appeal No. 211 of 2018)

RULING

1. The applicant VINCENT NUNDE MURUNGA is serving a 20 year prison term which was reduced from death sentence imposed by the Principal Magistrate's Court at Butali, in Butali PM CR. Case No. 105 of 2013 upon conviction for the Offence of **Robbery with Violence contrary to section 296(2) of the Penal Code**. His appeal to the Kakamega High Court vide Kakamega High Court Criminal Appeal No. 175 of 2013, was dismissed by a 2 judge bench on 30.9.2015. He appealed to the Court of Appeal which dismissed the appeal against conviction but reduced sentence to 20 years imprisonment vide **Court of Appeal Criminal Appeal No. 211 of 2018 at Kisumu Court of Appeal**.

2. He now brings this application which is not even signed, seeking for sentence reduction to non-custodial sentence because his family is suffering.

3. I have considered the *prima facie* incompetent applications.

4. This Court is devoid of Jurisdiction to entertain a sentence reduction application where the Court of Appeal already reduced the sentence from death to custodial term.

5. Furthermore, the applicant has by passed the Geographical Jurisdictional channels and come all the way to Siaya High Court to ventilate his grievances yet he was convicted by Courts exercising jurisdiction within Kakamega.

6. For the above dual reasons, I hereby find this application to be fatally incompetent, devoid of merit and an abuse of Court process. The same is hereby dismissed and this file is closed.

7. Orders accordingly.

Dated, Signed and Delivered at Siaya this 1st Day of September, 2020

R. E. ABURILI

JUDGE