



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CRIMINAL REVISION NO. 172 OF 2018**

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

**IBRAHIM ONYANGO OMONDI.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

1. The Applicant was convicted for the offence of arson and he was sentenced to serve 7 years imprisonment. He appealed before this court vide HCRA 30/2017 which appeal was dismissed.
2. He was returned with an application for revision **Section 364 (5) of the Criminal Procedure Code** does not permit this court to hear revision applications where the applicant/convict could have appealed.
3. The Applicant/Convict having appealed and his appeal having been unsuccessful, he is barred from returning to this court to seek for revision of sentence.
4. Accordingly, the application for revision is hereby dismissed and this file is hereby marked as closed. The convict is to complete sentence.
5. Orders accordingly.

***Dated, Signed and Delivered in open court at Siaya this 4<sup>th</sup> Day of June 2019.***

**R.E. ABURILI**

**JUDGE**

***In the Presence of:***

***Mr. Okachi, SPPC for State***

***Court Assistants: Brenda and Modestar***

***Applicant (present in person)***