

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 4 OF 2019

ERICK ODUOR NGONGAAPPLICANT

VERSUS

REPUBLICRESPONDENT

(Being a Petition for resentencing following the judgment dated 12.3.2012 vide Kisumu HCRA No. 102 of 2012(Hon. Abida Ali Aroni – J and H. Chemitei – J.)

RULING

1. As the Petitioner is seeking to challenge the decision of this Court (High Court) at Kisumu on appeal where the death sentence was reduced to 14 years imprisonment without taking into account the period that he had served in prison, this Court is *functus officio* its own decision as it cannot sit on its own appeal.
2. This petition is hereby struck out and dismissed.
3. File closed.

DATED AT SIAYA THIS 9TH DAY OF OCTOBER, 2019.

HON. LADY JUSTICE R. E. ABURILI

JUDGE