



**REPUBLIC OF KENYA**

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

**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**

**PETITION NO. 11 "A" OF 2019**

**FREDRICK JUMA OCHIENG-ALIAS KASAWAHL.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an application for Const Pet of sentence in Ukwala PMCRC No. 210 of 2012)*

**RULING**

1. As the Petitioner has not exhausted his right of appeal before the Court of Appeal, this Court lacks jurisdiction to re-sentence him as the appeal before the High Court at Kisumu vide H.Cr.A 32/2013 was dismissed and no appeal has been lodged to challenge that decision of the High Court.

2. This petition is dismissed.

3. File closed.

**DATED AT SIAYA THIS 9<sup>TH</sup> DAY OF OCTOBER, 2019.**

**HON. LADY JUSTICE R. E. ABURILI**

**JUDGE**