



**Okisai v Republic (Miscellaneous Criminal Application E053 of 2021)
[2025] KEHC 15265 (KLR) (17 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15265 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS CRIMINAL APPLICATION E053 OF 2021
WM MUSYOKA, J
OCTOBER 17, 2025**

BETWEEN

PHILIP OKURUTU OKISAI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant herein had been charged, in Busia HCCRC No. 15 of 2014, with murder, contrary to section 203, as read with section 204, of the Penal Code, Cap 63, Laws of Kenya. Upon taking evidence, the court found and held that he was guilty of murder, but insane, and it was ordered that he was to be detained at the pleasure of the President.
2. He moved this court, by a petition, in Busia HC Petition No. E004 of 2023, while the instant application/petition, which is undated, was still pending. In the instant application, the applicant seeks reduction of sentence. The petition, in Busia HC Petition No. E004 of 2023, was for review of sentence, on the basis that it was harsh and indefinite, and he had reformed, been rehabilitated and transformed.
3. Busia HC Petition No. E004 of 2023 was urged, with both sides filing papers. A determination was rendered on 22nd March 2024, on merits, placing the applicant on probation.
4. The instant matter and Busia HC Petition No. E004 of 2023 turn on the same issues. The determination of Busia HC Petition No. E004 of 2023, ahead of the instant matter, meant that the instant matter is now spent. Consequently, the instant file should be closed, and I hereby do so order. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 17TH
DAY OF OCTOBER 2025.**

W MUSYOKA



JUDGE

Mr. Arthur Etyang, Court Assistant.

Mr. Philip Okurutu Okisai, the applicant, in person.

Advocates

Mr. Tony Onanda, instructed by the Director of Public Prosecutions, for the respondent.

