



**Omondi v Republic (Criminal Miscellaneous Application E136 of 2025)  
[2025] KEHC 16817 (KLR) (14 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16817 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL MISCELLANEOUS APPLICATION E136 OF 2025**

**A MABEYA, J  
NOVEMBER 14, 2025**

**BETWEEN**

**HAROLD OKELLO OMONDI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Harold Okello Omondi was tried and convicted of the offence of murder contrary to section 203 as read with section 204 of the Penal Code. He was sentenced to 20 years' imprisonment.
2. He appealed to the Court of Appeal in KSM CRA No. 100 of 2020. However, on 8/2/2023, he applied and had the said appeal withdrawn. Before then, he had on 13/4/2021 applied for the review of his sentence before this Court.
3. By a Judgment dated 24/9/2021, Kamau J declined to pronounce herself on the said review application for the reason that there was then a pending appeal in the Court of Appeal.
4. With the withdrawal of the said appeal in February, 2023, the applicant has once again approached this Court vide a Motion on Notice dated 7/7/2025 seeking the review of his said sentence. He sought that the Court does comply with the provisions of section 333(2) of the Criminal Procedure Code and factor in the period he was in custody in his sentence of 20 years.
5. I should point out here that the powers of review bestowed upon this Court is by virtual of sections 362 and 364 of the Criminal Procedure Code. A reading of the said sections will show that the said jurisdiction is limited to decisions of subordinate courts and not decisions of the High Court.
6. If the applicant wished to have his sentence re-looked afresh, and in tandem with section 333(2) of the Criminal Procedure Code, he should have left the Court of Appeal deal with his aforesaid appeal. It is



that Court which has jurisdiction to review the decisions of the High Court. Accordingly, this Court has no jurisdiction to entertain the subject Motion.

7. In any event, the applicant is lucky that the Court sentenced him to custodial sentence instead of death as provided for by section 204 of the Penal Code.

8. In the premises, I find the Motion dated 7/7/2025 to be without merit and I dismiss the same.

It is so ordered.

**DATED AND DELIVERED AT KISUMU THIS 14<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**A. MABEYA, FCI Arb**

**JUDGE**

