



IN THE COURT OF APPEAL

AT KISUMU

(CORAM: MARAGA, MUSINGA & MURGOR, J.J.A.)

CRIMINAL APPEAL NO. 117 OF 2014

BETWEEN

AMINGA OCHOLA OOGA APPELLANT

AND

REPUBLIC RESPONDENT

(Appeal from the Judgment of the High Court of Kenya at Kakamega, (Lenaola, J.) dated 17th March, 2011

in

HCCRA NO. 126 OF 2008

JUDGMENT OF THE COURT

The appellant herein was convicted by the trial court of the offence of manslaughter and sentenced to **10 years** imprisonment. His appeal to the High Court against sentence was rejected.

The appellant chose to file a second appeal to this Court, which is on severity of sentence.

Miss Nyamosi, learned S. ADPP has rightly submitted that under **section 36 (1)** of the **Criminal Procedure Code**, this Court has no jurisdiction to hear an appeal against severity of sentence, unless that sentence was illegal.

The sentence that was handed down by the trial court was a lawful one.

In the circumstances, we agree that we have no jurisdiction to consider this appeal.

Consequently, the appeal is hereby dismissed.

It is so ordered.

DATED at Kisumu this 31st day of May, 2016.

D. K. MARAGA

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JUDGE OF APPEAL

D. K. MUSINGA

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JUDGE OF APPEAL

A. K. MURGOR

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR