



**Obiero v Republic (Miscellaneous Criminal Application
E025 of 2025) [2025] KEHC 6399 (KLR) (25 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 6399 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E025 OF 2025**

**JM OMIDO, J
MARCH 25, 2025**

BETWEEN

POLYCARP ODHIAMBO OBIERO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the Applicant's Notice of Motion (undated) that seeks review of his sentence. I have also considered the record.
2. On 3rd March, 2025, I directed that the Officer in Charge at Kisumu Maximum Prison presents a written report on any previous appeals, revisions or applications for review of sentence that have been preferred by the Applicant.
3. This court received a report dated 4th March, 2025 from the said Officer.
4. It is instructive from the report that the Appellant was convicted on a charge of murder and sentenced to serve 30 years imprisonment on 30th April, 2019 vide Kisumu High Court Criminal Case No. 6 of 2015.
5. The Applicant appealed the conviction and sentence vide Kisumu Court of Appeal Criminal Appeal No. 119 of 2019. His appeal was subsequently dismissed in its entirety. Thus then, he exhausted his ordinary channels of appeal.
6. The dismissal of his appeal notwithstanding, the Applicant has now filed the undated motion that is before me. It is clear to me from the history above that the Applicant is abusing the process of this court, having exhausted his ordinary channels of appeal.



7. This court has a duty to zealously guard against such abuse. Although the ODPP is yet to file a response to the application, my view is that it is not one that the court should waste precious time to entertain. I will proceed to strike it out, which I hereby do.
10. In view of the Applicant's attempt at abusing the court process, I order that he shall not be allowed to file any other applications regarding his sentence unless he first obtains leave of this court, through a formal application, to which he must attach this ruling.
11. A copy of this ruling to be served upon the Officer in Charge, Kisumu Maximum Security Prison.
12. This file is closed.

DELIVERED, SIGNED AND DATED AT THIS 25TH DAY OF MARCH, 2025.

JOE M. OMIDO

JUDGE

Applicant: Present, virtually.

Respondent: Ms. Jebichii, Prosecution Counsel.

