



Lisimba & another v ODPP (Miscellaneous Criminal Application E007 of 2024) [2024] KEHC 1858 (KLR) (22 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1858 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS CRIMINAL APPLICATION E007 OF 2024**

PJO OTIENO, J

FEBRUARY 22, 2024

BETWEEN

ELVIS LISIMBA 1ST APPLICANT

EUGINE BARAZA 2ND APPLICANT

AND

ODPP RESPONDENT

RULING

1. The Court has perused the application seeking variation of the sentence to run from the date of arrest.
2. The application comes fast on the heels of the court ruling dated February 10, 2024 in which the Court determined that the question of propriety or appropriateness of the sentence was considered and detailed in the Judgment of this Court dated May 18, 2022.
3. Nothing has changed and the application dated January 10, 2024 is nothing but an abuse of the Court process. The same is dismissed. Let the court file be closed.

DATED, SIGNED AND DELIVERED AT KAKAMEGA THIS 22ND DAY OF FEBRUARY, 2024

PATRICK J. O. OTIENO

JUDGE

