

KENYA / JUDGMENT

Otieno v Republic [2024] KEHC 10263 (KLR)

[2024] KEHC 10263 (KLR)

COURT

High Court

BEFORE

RE Aburili

CASE / FILE NUMBER

Criminal Revision E115 of 2024

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Otieno v Republic (Criminal Revision E115 of 2024) [2024] KEHC 10263 (KLR) (19 August 2024)
(Ruling)

Neutral citation:

[2024] KEHC 10263 (KLR)

Republic of Kenya

In the High Court at Kisumu

Criminal Revision E115 of 2024

RE Aburili, J

August 19, 2024

Between

James Omondi Otieno

Applicant

and

Republic

Respondent

(From the original conviction and sentence in Kisumu CM Criminal Case No. 841 of 2006 on 16th November, 2007 by Hon. A.C. Ong'ino, PM)

Ruling

1. The applicant was convicted and sentenced to death for the offence of robbery with violence contrary to section 296(2) of the Penal Code, which sentence was commuted to life on 3/8/2009, according to the warrant of commitment to imprisonment as attached. He appealed vide Kisumu HC CR Appeal No. 186 of 2007 and a two-judge bench dismissed his appeal on merit. he now seeks that the sentence be reduced because he has reformed and that he was 19 years when he was convicted. That he has acquired some skills while in prison.
2. I have considered the application and the lengthy submissions referring this court to sentencing guidelines which this court takes judicial notice of. I have considered circumstances under which the offence was committed, with the convict being armed with a panga and threatening to cut the complainant. he was arrested as he escaped yet in his defence he claimed that he was merely a hawker returning home.
3. The convict was a very dangerous person who did not value human life. The sentence imposed was lawful. It was commuted to life imprisonment.
4. I find no reason to review lawful sentence when the High Court already dismissed the appeal and the mandatory sentence was commuted to life imprisonment, the convict, having denied committing the offence.
5. I find the application filed on 11/6/2024 is not merited. It is hereby dismissed.
6. Signal to issue.
7. This file is closed.

conclusionsDATED, SIGNED AND DELIVERED AT KISUMU THIS 19THDAY OF AUGUST, 2024R.E.
ABURILIJUDGE

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