



**Ligawa v Republic (Miscellaneous Criminal Application 129 of 2023)
[2024] KEHC 11831 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11831 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 129 OF 2023
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

JULIUS OCHIENG LIGAWA APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for review of Conviction and Sentence in Siaya High Court vide Criminal Appeal No. E019 of 2022 delivered by Hon. Justice R. E. Aburili, J on 22/2/2023)

RULING

1. The Applicant Julius Ochieng Ligawa was convicted vide Bondo PM Sexual Offence Case No. 10 of 2020 and sentenced to serve life imprisonment for the offence of defilement contrary to Section 8 (1) as read with Section 8 (2) of the [Sexual Offences Act](#).
2. He appealed vide Siaya HC CRA E019/2022 which appeal was heard and determined vide judgment rendered on 22/2/2023 wherein the court resented him to serve 35 years imprisonment, to be calculated from the date of arrest and spent in custody before he was sentenced pursuant to Section 333 (2) of the [Criminal Procedure Code](#).
3. He now applies vide his application dated 21/7/2023 for sentence reduction because he has reformed and has a family, that the sentence imposed was excessive and too harsh.
4. I have considered the application as filed on 4/8/2023 and find it an abuse of court process. The convict is lucky to have escaped life imprisonment before the Supreme Court pronounced itself on the lawfulness of mandatory sentence imposed under the [Sexual Offences Act](#) as the [Francis Muruatetu & another v R](#) [2017] eKLR, case is inapplicable to the Sexual Offences cases.
5. Accordingly, I find the application filed on 4/8/2023 and dated 21/7/2023 to be devoid of merit.
6. It is hereby dismissed.



7. This file is closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 27TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

