



**Oduor v Republic (Miscellaneous Criminal Application E039 of 2024)
[2024] KEHC 11761 (KLR) (27 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11761 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E039 OF 2024
RE ABURILI, J
SEPTEMBER 27, 2024**

BETWEEN

JAIRO OLUOCH ODUOR APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application for review of Conviction and sentence of Ukwala
PM's Court vide S.O No. 371 of 2014 delivered by R M Oanda SRM)*

RULING

1. The Applicant was convicted and sentenced to serve twenty years imprisonment on 12/2/2016 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the [Sexual Offence Act](#). He appealed vide Siaya HCRA 8/2016 which appeal was heard and dismissed both on conviction and sentence on 6/10/2016.
2. The court now applies that he be placed on probation because he has served 8 years in jail and has been rehabilitated, that he is the sole bread winner in his family and regrets committing the offence.
3. I have considered the application. This court is *functus officio* and is devoid of any jurisdiction to exercise further discretion to review the lawful sentence imposed.
4. The application dated 15/5/2024 is found to be devoid of any merit. It is hereby dismissed.
5. This file is closed. I so order.

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

R. E. ABURILI

JUDGE

