



REPUBLIC OF KENYA



KENYA LAW
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**Musigo v Republic (Miscellaneous Criminal Application E166 of 2024)
[2024] KEHC 11592 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11592 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E166 OF 2024
RE ABURILI, J
SEPTEMBER 26, 2024**

BETWEEN

JAMES KIVAIRO MUSIGO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Maseno Senior Principal
Magistrate's Court Criminal Sexual Offences Case No. 655 of 2012)*

RULING

1. On June 5, 2012, the convict James Kivairo Musigo was sentenced to serve 30 years' imprisonment vide Maseno SPM Sexual Offences Case No 655 of 2012 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act*.
2. He claims that he never appealed to the High Court and that he has reformed and trained in Carpentry Grade III and Joinery trained by NITA and has a suffering family.
3. I have considered the application dated June 28, 2024. The Convict was sentenced to a lenient sentence as the Mandatory penalty is life imprisonment under Section 8(2) of the *Sexual Offences Act*.
4. Accordingly, I find no merit in the application for sentence reduction.
5. The application dated June 28, 2024 is hereby dismissed and the file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

