



**Owino v Republic (Miscellaneous Criminal Application E162 of 2024)
[2024] KEHC 11608 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11608 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E162 OF 2024
RE ABURILI, J
SEPTEMBER 26, 2024**

BETWEEN

DUNCAN ODONGO OWINO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Winam Senior Principal
Magistrate’s Court Criminal Sexual Offences Case No. E03 of 2018)*

RULING

1. The Applicant Duncan Odongo Owino was convicted vide Winam SPM Sexual Offences Case no 3 of 2018 with the offence of defilement contrary to Section 8(1) as read with Section 8(4) of the *Sexual Offences Act* and sentenced to twenty (20) years imprisonment.
2. He appealed *vide* HCCRA no 21 of 2019 and later petitioned *vide* Petition no E038 of 2023 for resentencing.
The appeal and Petition were dismissed. Again, he has applied for resentencing *vide* his application dated 19th July 2024 claiming that minimum Mandatory sentence imposed was unconstitutional and that he has reformed.
3. I have considered the application dated 19th July 2024 and annexed affidavit and documents. I find no merit in the application as the sentence imposed was lawful.
4. The application dated 19th July 2024 is dismissed and this file is closed.

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

R. E. ABURILI

JUDGE

