



**Odhiambo v Republic (Miscellaneous Criminal Application  
E172 of 2024) [2024] KEHC 11611 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11611 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E172 OF 2024  
RE ABURILI, J  
SEPTEMBER 26, 2024**

**BETWEEN**

**DAVID ODHIAMBO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Winam Senior Principal  
Magistrate's Court Criminal Sexual Offences Case No. 44 of 2020)*

**RULING**

1. The Convict David Odhiambo was sentenced to serve twenty (20) years imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the [Sexual Offences Act](#) on 8<sup>th</sup> June 2020.
2. This was vide Winam SPM Criminal Case No. 44 of 2020. He now applies for sentence review and reduction on the ground that he is reformed.
3. I have considered the application dated 8<sup>th</sup> July 2024. The convict escaped the lawful life imprisonment which is mandatory under Section 8(2) of the [Sexual Offences Act](#).
4. I find no reason to reduce lenient sentence imposed.
5. The application dated July 8, 2024 is dismissed and this file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

