



**JOL v Republic (Criminal Revision E138 of 2024)
[2024] KEHC 11167 (KLR) (25 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11167 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E138 OF 2024
RE ABURILI, J
SEPTEMBER 25, 2024**

BETWEEN

JOL APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Nyando Senior
Principal Magistrate Criminal Sexual Offences Case No. 707 of 2009)*

RULING

1. The Applicant JOL was convicted of the offence of incest contrary to Section 20(1) of the [Sexual Offences Act](#) and sentenced to serve life imprisonment vide Nyando SPM Sexual Offence Case No. 707 of 2009. This was on 7th June 2011.
2. In his current application dated 14th May 2024 seeking for sentence revision, he deposes that he appealed vide Kisumu HCCRA No. 93 of 2014 which appeal was dismissed.
3. He claims that life imprisonment is unconstitutional.
4. I have considered the application alongside the Supreme Court decision in the case of [Republic v Mwangi; Initiative for Strategic Litigation in Africa \(ISLA\) & 3 others \(Amicus Curiae\)](#) (Petition E018 of 2023) [2024] KESC 34 (KLR) (12 July 2024) (Judgment) that the mandatory minimum penalties provided for under the [Sexual Offences Act](#) are lawful and not unconstitutional.
5. I find no reason to interfere with lawful sentence provided for under Section 20(1) of the [Sexual Offences Act](#).
6. I decline the orders sought and dismiss the application.
7. File is closed.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 25TH DAY OF SEPTEMBER, 2024

R. E. ABURILI

JUDGE

