



**Ochieng v Republic (Criminal Revision E015 of 2023)  
[2024] KEHC 15113 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15113 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E015 OF 2023  
RE ABURILI, J  
NOVEMBER 25, 2024**

**BETWEEN**

**KEPHA OTIENO OCHIENG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant is Kepha Otieno Ochieng. He was convicted of the offence of defilement contrary to Section 8 (1) as read with Section 8 (2) of the [Sexual Offences Act](#) and sentenced to serve life imprisonment vide Siaya CM SO Case No. 29/2019.
2. The victim of the offence was aged 7 years old. The convict appealed vide Siaya HCCRA 62/2019 which appeal was heard on merit and dismissed on 20/7/2020.
3. The applicant/convict now applies for mitigation and sentence. He filed elaborate submissions dated 10/11/2023, in support of his application.
4. I have considered the application and the submissions in support. Before being sentenced to life imprisonment, the convict was accorded the opportunity to mitigate. Even a social inquiry pre-sentence report was filed on the antecedents of the applicant herein. It follows that the applicant cannot seek to mitigate now when he had the opportunity which he utilized even on appeal.
5. I find the application for revision of sentence to be devoid of any merit. It is hereby dismissed.
6. Signal to issue. This file is closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

