



REPUBLIC OF KENYA



**Odero v Republic (Criminal Petition 27 of 2023)
[2024] KEHC 15120 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15120 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION 27 OF 2023
RE ABURILI, J
NOVEMBER 22, 2024**

BETWEEN

FREDRICK OTIENO ODERO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner is Fredrick Otieno Odero. He is a convict in Bondo SPM SO Case No. 45/2017 and was sentenced on 24/8/2018 for the offence of defilement contrary to Section 8 (1) as read with section 8(4) of the *Sexual Offence Act*.
2. He was sentenced to serve 15 years imprisonment. He appealed vide Siaya HCCRA 20/2019 and vide judgment rendered on 14/12/2021, the court sustained the conviction and upheld the sentence imposed.
3. The convict now petitions for sentence review on account of some landmark judgments since he has reformed, is remorseful and is a first offender.
4. I have considered the petition and submissions filed on 28/11/2023.
5. I observe that the “landmark judgments” have since been overruled by the Supreme Court vide Cr. Petition E018/2023 in *Republic v Joshua Gichuki Mwangi*, quite recently, in July 2024, where it held that the Francis Muruatetu Case wherein the Supreme Court had declared mandatory death sentence to be unconstitutional, only applies to murder cases, not sexual offences.
6. For that reason, I find no reason to depart from the binding Supreme Court decision which I hereby adopt and find this ‘Petition’ which does not even meet the criteria for a constitutional petition for sentence review to be devoid of any merit. It is hereby dismissed. This file is closed. Signal to issue.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 22ND DAY OF NOVEMBER, 2024



R. E. ABURILI
JUDGE

