



REPUBLIC OF KENYA



**Okumu v Republic (Criminal Petition E026 of 2023)  
[2024] KEHC 15083 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15083 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL PETITION E026 OF 2023  
RE ABURILI, J  
NOVEMBER 22, 2024**

**BETWEEN**

**PAUL NGESO OKUMU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Petitioner Paul Ngeso Okumu is a convict in Siaya CM SO 349/2014 wherein he was convicted and sentenced to serve life imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act*.
2. The victim of defilement was aged 10 years old. The convict appealed vide Siaya HCCRA 27/2015 which appeal was heard on merit and dismissed on 26/5/2016.
3. He now applies vide Petition dated 29/11/2023 for resentencing and also alleges that his appeal to the High Court out of time was never granted which is a big lie.
4. He claims that life sentence is unconstitutional and uncertain and amounts to discrimination. That he has reformed and ready to be integrated into society hence he should be released taking into account Section 333 (2) of the *Criminal Procedure Code*, on the time spent in custody.
5. I have considered the Petition in line with the Supreme Court decision in *Francis Muruatetu v Republic* and *R v Joshua Gichuki Mwangi* Petition E018/2023, which latter decision was emphatic that the mandatory sentences in Sexual Offences are lawful and constitutional.
6. Accordingly, I find that this Court has no residual jurisdiction and discretion to review sentences imposed in Sexual Offences where such sentences are lawful.
7. I find the Petition herein dated 29/11/2023 not merited. It is hereby dismissed. This file is closed. Signal to issue.



**DATED, SIGNED AND DELIVERED AT SLAYA THIS 22<sup>ND</sup> DAY OF NOVEMBER, 2024**

**R. E. ABURILI**

**JUDGE**

