



**Okoth v Republic (Criminal Petition 38 of 2023)
[2024] KEHC 15118 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15118 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION 38 OF 2023
RE ABURILI, J
NOVEMBER 22, 2024**

BETWEEN

LUKE OMOLLO OKOTH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner Luke Omollo Okoth is a convict vide Siaya PM Cr. 869/2024 (SO) of the offence of defilement contrary to Section 8(1) as read with Section 8(4) of the [Sexual Offences Act](#).
2. The victim was 16 years old. The convict was sentenced to serve 15 years imprisonment on 30/7/2018 by Hon. J. Ong'ondo, PM.
3. He now petitions for reduction of sentence stating that he is remorseful and the sentence was harsh, unjust, disproportionate for being mandatory.
4. I have considered the Petition on the strength of the Supreme Court decision in Petition E018/2023 [Republic vs. Joshua Gichuki Mwangi](#), where it was held that the mandatory minimum sentences under the [Sexual Offences Act](#) are lawful and constitutional and that the [Muruatetu I](#) decision on unconstitutionality of mandatory death sentence only applied to murder cases, I find no merit in this Petition which I hereby dismiss. Signal to issue.
5. File closed.

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

R. E. ABURILI

JUDGE

