



**Okuto alias Mohamed v Republic (Criminal Petition 37 of 2023)
[2024] KEHC 15119 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15119 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION 37 OF 2023
RE ABURILI, J
NOVEMBER 22, 2024**

BETWEEN

JOHN OTIENO OKUTO ALIAS MOHAMED APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner John Otieno Okuto alias Mohamed is a convict vide Bondo PM SO 35/2018, where he was 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. He appealed vide Siaya HCCRA 32/2018 in which the High Court reduced sentence to 30 years. He now seeks for further reduction of sentence, under Section 333 (2) of the Criminal Procedure Code.
3. I have considered the Petition and the affidavit in support.
4. I find no merit in the application as the convict benefited from the court's exercise of discretion which reduced sentence from mandatory life imprisonment to 30 years imprisonment and if it was today, by dint of the decision in Petition E018/2023, he would not have benefitted from the sentence reduction. The petition is therefore found to be devoid of merit and is hereby dismissed. Signal to issue.
5. This file is closed.

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

R. E. ABURILI

JUDGE

