



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Omondi v Republic (Criminal Petition 39 of 2023)  
[2024] KEHC 15429 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15429 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL PETITION 39 OF 2023  
RE ABURILI, J  
NOVEMBER 22, 2024**

**BETWEEN**

**FREDRICK OKOTH OMONDI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Petitioner is Fredrick Okoth Omondi. He is a convict in Siaya SPM SO Case No. 6/2020 where he was convicted of defilement contrary to Section 8(1) as read with Section 8(4) of the [Sexual Offences Act](#) and sentenced to serve 15 years imprisonment on 17/11/2020.
2. The victim suffered from mental incapacity. The convict pleaded guilty and the mitigations were considered.
3. The convict never appealed. He applied to this court vide Misc. Cr. Application No. E082/2022 for consideration of Section 333 (2) of the [Criminal Procedure Code](#) and this court dismissed the application on 12/10/2022.
4. On account that he was arrested on 16/1/2020, arraigned on 17/1/2020 and sentenced hence he was in custody for only one day.
5. The convict now applies vide his Petition dated 4/4/2023 for sentence review claiming he was denied the right to mitigate and that he is reformed.
6. I have considered the Petition and the supporting affidavit and find no merit in the application which is hereby dismissed. This file is closed. Signal to issue.

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

**R. E ABURILI**



**JUDGE**

