



**Owiti v Republic (Criminal Petition E010 of 2023)
[2024] KEHC 15123 (KLR) (22 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15123 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E010 OF 2023
RE ABURILI, J
NOVEMBER 22, 2024**

BETWEEN

MORRIS OWITI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Petitioner is Morris Owiti by his petition 1911/2023 seeks for sentence review. He was convicted of the offence of defilement contrary to Section 8 (1) as read with Section 8(2) of the *Sexual offences Act*. He was sentenced to serve 70 years imprisonment vide Bondo SPM SO Case No. E012/2022. The age of the minor was 10 years.
2. The convict however claims that he was convicted vide Siaya PM SO 22/2017 and that he appealed vide Siaya HCCRA 41/2018 which was dismissed and he mixes facts and sentences claiming he was sentenced to serve 15 years imprisonment under Section 8(4) of the *Sexual Offences Act* and that he intends to appeal against the conviction and sentence. He further mixes facts to the effect that the High Curt dismissed his appeal and now he wants review of sentence as he had no point of law to escalate his appeal to the Court of Appeal.
3. I am appalled at the mix up of facts by the convict herein which could be deliberate to mislead the Court since the lower court file clearly shows the conviction and sentence imposed in Bondo SPM SO E012/2022 being 70 years imprisonment on 13/1/2023 by Hon. S. Mathenge, SRM.
4. I find the Petition not comprehensible and incapable of being considered on merit. It is hereby dismissed and the file is closed.
5. Signal to issue.

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



**RE ABURILI
JUDGE**

