



REPUBLIC OF KENYA



**Were v Republic (Criminal Petition E005 of 2023)
[2023] KEHC 1765 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1765 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E005 OF 2023
RE ABURILI, J
FEBRUARY 28, 2023**

BETWEEN

GEOFREY INDUNYI WERE PETITIONER

AND

REPUBLIC RESPONDENT

*(Being an Application for resentencing in Bondo PM Cr. SO 624/2015,
in Siaya HCRA 69/2015 and in Siaya HC Cr. Petition No. E012/2022)*

RULING

1. The Petitioner was convicted and sentenced to serve 20 years imprisonment for the offence of defilement contrary to section 8(1)(3) of the *Sexual Offences Act* vide Bondo PM Cr. SO 624/2015.
2. He appealed to this court vide HCRA 69/2015 which appeal was heard and dismissed. He then petitioned for resentencing vide HC Cr. Petition No. E012/2022. The petition was dismissed for want of substance on 5/10/2022. He has returned back with another petition for resentencing claiming he was 17 years when he was convicted. Those are new matters which the trial and appellate court could have determined but which were never raised.
3. I find no material supporting the petition which is not even supported by a sworn affidavit.
4. The petition filed on 24/2/2023 is hereby dismissed.
5. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 28TH DAY OF FEBRUARY, 2023

R.E. ABURILI

JUDGE

