



**Okoth v Republic (Miscellaneous Criminal Application
E083 of 2022) [2023] KEHC 2987 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2987 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E083 OF 2022**

**RE ABURILI, J
MARCH 27, 2023**

BETWEEN

STEPHEN OMONDI OKOTH APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein Stephen Omondi Okoth was convicted of the offence of attempted defilement contrary to Section 9(1) as read with Section 9(2) of the [Sexual Offences Act](#) and sentenced to serve ten (10) years imprisonment on July 7, 2022 by Hon JM Wekesa, PM in Nyando Senior Principal Magistrate Sexual Offences Case No E009 of 2022. He has not appealed and seeks for sentence reduction. I find no ground upon which to reduce the lawful sentence imposed on the Convict who attempted to defile his own niece by digging a hole on the door latch and entering the house where she slept.
2. However, as the accused was in custody during trial, I order that the ten (10) years imprisonment to be calculated from date of arrest on February 17, 2022.
3. I decline the application for reduction of sentence and dismiss it.
4. File closed.

Dated, Signed and Delivered at Kisumu this 27th Day of March, 2023

R. E. ABURILI

JUDGE

