



REPUBLIC OF KENYA



**Anga'ra v Republic (Criminal Petition E034 of 2022)
[2023] KEHC 25023 (KLR) (27 October 2023) (Judgment)**

Neutral citation: [2023] KEHC 25023 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E034 OF 2022
MS SHARIFF, J
OCTOBER 27, 2023**

BETWEEN

MICHAEL PAUL ANGA'RA APPELLANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The Petitioner herein was charged and convicted of the offence of defilement contrary to Section 8(1) (B) of the *Sexual Offences Act* No. 3 of 2006 in Tamu SRM SO Case No. 16 of 2014 and was sentenced to serve 20 years custodial sentence.
2. The Petitioner subsequently filed Kisumu High Court Criminal Appeal No. 151 of 2015: *Michael Angara Paul v Republic*, which was heard and dismissed on 6th October, 2016 by Lady Justice E. N. Maina.
3. The Petitioner has now petitioned this court for revision of his sentence and he premises his petition on similar grounds as he had raised in his appeal, that there was a sister file namely Tamu SPM SO Case No. 17 of 2014: *Republic v George Onyango Omwayi*, in which case the accused had been acquitted by the trial court.
4. I have perused the proceedings in both Tamu SO No. 16 and 17 of 2014 and I have found that the Petitioner herein was clearly identified by the complainant who gave a consistent narration of the two instances when the Petitioner defiled her. Indeed the appellate court sustained his conviction and I do not see any other reason to differ with both the trial court and the appellate court.
5. Premised upon the matters aforesaid I do find that the proceedings before the trial court were properly conducted and the Petitioner was duly accorded ample time to prepare and adduce evidence in his defence. His conviction does not turn on the acquittal of George Onyango Omwayi.



6. On the balance, this petition is devoid of merit and is hereby dismissed.

DELIVERED, SIGNED AND DATED AT KISUMU THIS 27TH DAY OF OCTOBER, 2023.

MWANAISHA S. SHARIFF

JUDGE

