



REPUBLIC OF KENYA



KENYA LAW
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**Opakwa v Republic (Criminal Revision E125 of 2023)
[2023] KEHC 24324 (KLR) (27 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24324 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E125 OF 2023
RE ABURILI, J
OCTOBER 27, 2023**

BETWEEN

PIUS MUKUSA OPAKWA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Chief
Magistrate's Court Criminal Case No. 148 of 2017 at Kisumu)*

RULING

1. The Applicant is a 73 year old convict vide Kisumu CM Sexual Offences Case No. 148 of 2017. He was sentenced to life imprisonment on the defilement charge where the minor was aged 11 years.
2. He appealed vide Kisumu HCCRA No. 40 of 2017 and his appeal against conviction and sentence were dismissed after a full hearing on 22nd March 2018.
3. Albeit the Applicant is of advanced age, the offence of defilement of a minor child is heinous.
4. I find no mitigating circumstances upon which I can review the sentence.
5. I decline to review the sentence and close the file.

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

R. E. ABURILI

JUDGE

