



REPUBLIC OF KENYA



KENYA LAW
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**Opati v Republic (Criminal Revision E123 of 2023)
[2023] KEHC 24323 (KLR) (27 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24323 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E123 OF 2023
RE ABURILI, J
OCTOBER 27, 2023**

BETWEEN

JASON OPATI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate's Court Criminal Case No. 849 of 2014 at Maseno)*

RULING

1. The Applicant for Sentence Review is a convict for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act* vide Maseno Senior Principal Magistrate Sexual Offences Case No. 849 of 2014.
2. He was sentenced to serve life imprisonment. His appeal was dismissed by this court on 3rd May 2023 – Criminal Appeal No. 73 of 2018 for having been filed out of time of over one (1) year and five months, without seeking leave of court.
3. The Applicant is 73 years old and seeks for sentence review. He has been in prison since 2018. However, the offence committed by the applicant is so heinous that this court cannot review the sentence imposed.
4. I decline to review the sentence. The file is closed.

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

R. E. ABURILI

JUDGE

