



REPUBLIC OF KENYA



**Ocham v Republic (Criminal Petition E025 of 2023)
[2023] KEHC 27144 (KLR) (18 December 2023) (Ruling)**

Neutral citation: [2023] KEHC 27144 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E025 OF 2023
RE ABURILI, J
DECEMBER 18, 2023**

BETWEEN

TONY BENJA OCHAM APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate Criminal Sexual Offences Case No. 026 of 2021 at Winam)*

RULING

1. I have considered the application dated November 8, 2023 seeking for sentence reduction in Winam SPM Sexual Offences Case No. 026 of 2021.
2. The applicant claims that he was convicted and sentenced to serve fifteen (15) years imprisonment for the offence of defilement contrary to Section 8(1) as read with section 8(4) of the *Sexual Offences Act*.
3. No proceedings and judgment in the above case were annexed. There is no indication whether he appealed.
4. In addition, this court cannot merely reduce sentence imposed which sentence is lawful and that it was in the discretion of the trial court.
5. I find no substance in the application which is hereby dismissed. The file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF DECEMBER, 2023

R. E. ABURILI

JUDGE

