



**Apondi v Republic (Miscellaneous Criminal Application E116 of 2022)  
[2022] KEHC 13154 (KLR) (23 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13154 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION E116 OF 2022  
RE ABURILI, J  
SEPTEMBER 23, 2022**

**BETWEEN**

**JULIAS ODUOR APONDI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application arising from Judgment, conviction and sentence in Ukwala SRM's court Sexual Offence Case No. 20 of 2018 delivered on 13/8/2018 by Hon. G.A. Adhiambo, Senior Resident Magistrate AND Siaya High Court Criminal Appeal No. 40/2018)*

**RULING**

1. The applicant Julius Oduor Apondi was convicted for the offence of defilement contrary to Section 8(1) and as read with section 8(2) of the *Sexual Offences Act* by Hon G Adhiambo SRM, Ukwala, on August 13, 2018 vide Ukwala SRM SO 20/2018.
2. He was sentenced to life in prison. He appealed to this court *vide* HCRA 40/2018 and *vide* judgment delivered on January 22, 2020, I upheld the conviction but resented him to serve 75 years in prison.
3. He now claims that he was sentenced to serve mandatory minimum sentence which is unconstitutional. This cannot be true as this court already resented him to serve 75 years imprisonment from life imprisonment imposed on him by the trial court. That being the case, I find this application mischievous and devoid of merit.
4. I dismiss the application for resentence.
5. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 23<sup>RD</sup> DAY OF SEPTEMBER, 2022**

**R.E. ABURILI**



**JUDGE**

