



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Obimba v Republic (Criminal Petition E011 of 2021)  
[2022] KEHC 14585 (KLR) (27 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14585 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL PETITION E011 OF 2021  
RE ABURILI, J  
OCTOBER 27, 2022**

**BETWEEN**

**KEVIN OTIYA OBIMBA ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The petitioner Kevin Otiya Orimbo was convicted and sentenced to serve twenty (20) years imprisonment by Tamu PM's court in a case whose number is not disclosed, for the offence of defilement contrary to section 8(3) of the *Sexual Offences Act*.
2. He seeks for resentencing in line with Francis Muruatetu decision of the Supreme Court. He has not disclosed any case number wherein he was convicted and sentenced. He has not told this court whether he appealed against that decision and up to what level, despite being granted time to supply documents to this court.
3. I find the petition devoid of any substance as submissions without any proceedings or judgment of the trial court and or the appellate court, cannot aid the petitioner.
4. The petition is found to be devoid of any merit and is hereby dismissed.
5. File closed.

**Dated, signed and delivered at Kisumu this 27<sup>th</sup> Day of October, 2022**

**R.E. ABURILI**

**JUDGE**

