



REPUBLIC OF KENYA



KENYA LAW
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**SOG v Republic (Criminal Petition E006 of 2022)
[2022] KEHC 14559 (KLR) (26 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14559 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E006 OF 2022
RE ABURILI, J
OCTOBER 26, 2022**

BETWEEN

SOG PETITIONER

AND

REPUBLIC RESPONDENT

(Petition for Sentence review against conviction and sentence of Hon. J.O. Ong'ondo, SPM in Siaya SPM Sexual Offence Case No. 371/2014 and in Siaya Criminal Appeal No. 41 of 2018)

RULING

1. The applicant is a convict for the offence of defilement contrary to section 8(1) as read with section 8(3) of the *Sexual Offences Act*. He was sentenced to serve 20 years imprisonment vide Siaya SPM SO Case No. 371/2014. He appealed to this court vide HCRA 41/2018 which appeal against conviction he withdrew and sought for sentence reduction. The court delivered judgment and declined to reduce the sentence imposed while noting that the appellant who was HIV positive eloped a 16 year old school girl, lived with her for 2 months and infected her with HIV/AIDS.
2. As at the time of sentencing, the victim is said to have vanished and was said to be busy moving around with all men spreading HIV/AIDS virus to many unsuspecting families thereby destroying and burdening the society with deaths and incurable diseases.
3. The court observed that HIV/AIDS is a scourge and a tormentor. Considering the stigma associated with it, I found no compelling reason to reduce the minimum resentence imposed on the appellant.
4. He now wants a reduction or review of the said sentence.
5. I have considered the application and the fact that the sentence imposed was lawful and deserved having regard to the circumstances of the case. I had in mind the *Francis Karioko Muruatetu v Republic* [2017]eKLR principles when I declined to reduce the sentence imposed as the applicant took



advantage of a poor young girl send home for school fees then he eloped her and went to live with her for 2 months infecting her with HIV. The girl is out there in the community, traumatized and revenging by infecting other unsuspecting victims.

6. I find this application devoid of merit. It is hereby dismissed.
7. The convict herein SOG to serve full sentence of 20 years imprisonment imposed on him.
8. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 26TH DAY OF OCTOBER, 2022

R.E. ABURILI

JUDGE

