



REPUBLIC OF KENYA



KENYA LAW
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**Abaki v Republic (Criminal Revision E116 of 2022)
[2022] KEHC 16775 (KLR) (21 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16775 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E116 OF 2022
RE ABURILI, J
DECEMBER 21, 2022**

BETWEEN

MORRIS OTIENO ABAKI APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Bondo PM's Sexual Offence Case No. E017 of 2020 delivered by Hon. S.W. Mathenge, Resident Magistrate on 16.7.2021)

RULING

1. The convict Morris Otieno Abaki was convicted of the offence of defilement contrary to Section 8(1) (3) of the *Sexual Offence Act*. He was sentenced to serve 10 years imprisonment which was reduced on appeal to 5 years imprisonment on 31/1/2022.
2. This court cannot revise that sentence which it re-imposed on the convict through a resentence.
3. Revision of sentence is declined. File closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 21ST DAY OF DECEMBER, 2022

R.E. ABURILI

JUDGE

