



REPUBLIC OF KENYA



**KENYA LAW**  
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**Ogello v Republic (Criminal Revision E059 of 2022)  
[2022] KEHC 16733 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16733 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E059 OF 2022  
RE ABURILI, J  
DECEMBER 20, 2022**

**BETWEEN**

**PATRICK OTIENO OGELLO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for sentence revision in Siaya CM's Sexual Offence Case No. 32 of 2019 delivered by Hon. Muthoni Mwangi, Resident Magistrate on 14.10.2019)*

**RULING**

1. On October 14, 2019, the convict Patrick Otieno Ogello was sentenced to serve five (5) years imprisonment for the offence of defilement. The minor victim was 13 years old.
2. There was no appeal and the Prosecution never sought enhancement of sentence. The trial court in sentencing the convict considered peculiar circumstances of the case and the fact of the convict having very young children to care for, following a Social Inquiry Report whose recommendations were inconclusive.
3. The convict has served three of the 5 years already served.
4. In the spirit of prison decongestion, I review the sentence and order that the convict Patrick Otieno Ogello shall, unless otherwise lawfully held, be released from prison to serve probation for a period of 18 months from the date of release.
5. File closed.
6. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20<sup>TH</sup> DAY OF DECEMBER, 2022**

**R.E. ABURILI**



**JUDGE**

