



REPUBLIC OF KENYA



KENYA LAW
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**Were v Republic (Criminal Revision E060 of 2022)
[2022] KEHC 16732 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16732 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E060 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

CARILUS OTIENO WERE APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Siaya CM's Sexual Offence Case No. 14 of 2018 delivered by Hon. T.M. Olando, Senior Resident Magistrate on 13.9.2019)

RULING

1. On September 13, 2019, the convict herein Carilus Otieno Were was sentenced to serve five (5) years imprisonment for the offence of defilement contrary to section 8(1)(2) of the *Sexual Offences Act*. He never appealed. The prosecution never sought for enhanced sentence.
2. The convict has served three years imprisonment and is left with 2 years imprisonment. In the spirit of prison decongestion, I hereby order that the sentence imposed is reviewed.
3. The convict Carilus Otieno Were shall be released from prison to serve eighteen (18) months' probation out of the remainder sentence.
4. File closed.
5. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20TH DAY OF DECEMBER, 2022

RE ABURILI

JUDGE

