



**Nyatodi v Republic (Criminal Petition E018 of 2022)
[2022] KEHC 16724 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16724 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL PETITION E018 OF 2022
RE ABURILI, J
DECEMBER 19, 2022**

BETWEEN

JOSEPH ONGANG' NYATODI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant/petitioner is Joseph Ongang' Nyatodi. He claims that he was convicted *vide* HCRA No 3 of 2016 at Siaya from original Siaya PM Cr Case No 176 of 2014 and sentenced to life imprisonment for the offence of defilement contrary to section 8(1) as read with section 8(2) of the [Sexual Offences Act](#) No 3 of 2006.
2. He wants review of life imprisonment because according to him, it is unconstitutional. He does not state when he was convicted by the lower court and the High Court.
3. I have perused the court records availed to me. HCCRA 3 of 2016 is an appeal by Isaiah Otieno Juma and Caleb Odhiambo Okoth and it was consolidated with HCRA No 2 of 2016. The offence therein was robbery with violence.
4. The accused were sentenced to death *vide* Siaya PM Cr Case No 921 of 2014. Their appeal to this court was heard and determined on February 23, 2017 by Makau J.
5. There is no relationship between the present petitioner's case and HCRA No 3 of 2016.
6. For the above reasons this petition is found to be misplaced as the applicant does not even feature in our court records.
7. It is hereby dismissed for want of proper and relevant particulars.
8. Petitioner to be notified forthwith



9. This file is closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 19TH DAY OF DECEMBER, 2022

R E ABURILI

JUDGE

