



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E067 OF 2021**

**GORDON OMONDI MANYANGE.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Application for sentence revision from Siaya HC CRA. NO.13 OF 2018, judgment delivered on 19<sup>th</sup> December, 2019 by*

*Hon. R.E. Aburili J from original Bondo PM. SO Case No. 272 of 2016 dated 4.12.2017 before*

*Hon. M. Obiero – Principal Magistrate)*

**RULING**

1. The Applicant GORDON OMONDI MANYANGE seeks for sentence review. However, this court has been made aware of the fact that following his conviction by the lower court, He filed an appeal vide HCRA 13/2018 which was heard and determined by this court on 17/12/2019, dismissing the appeal against conviction and reducing sentence to 15 years imprisonment.
2. In the said Appeal, the appellant herein GORDON OMONDI MANYANGE was charged with the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the Sexual Offences Act No. 3 of 2006. Particulars are that on the night of 27th and 28th December 2016 in Bondo location, Bondo Sub-County within Siaya County unlawfully intentionally caused his penis to penetrate the vagina of VAO [full name withheld] a child aged 12 years.
3. After the full trial, the appellant was found guilty of the offence of defilement. He was convicted and sentenced to serve the mandatory minimum sentence of twenty years imprisonment.
4. By this this application, the applicant still wants review of the said sentence by this very court that heard his appeal and reduced sentence to fifteen years imprisonment.
5. This application is misconceived and mischievous.
6. This court has no jurisdiction to review its own judgment where it exercised discretion and reduced sentence on appeal. In other words, this court cannot reduce sentence further through other proceedings, after resentencing the convict as was in this case.
7. Accordingly, the application is found to be devoid of merit and is hereby dismissed.
8. File closed.
9. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA, THIS 27TH DAY OF APRIL 2021**

**R.E. ABURILI**

**JUDGE**