



**Ong’ondo v Republic (Revision Case E079 of 2025)  
[2025] KEHC 12750 (KLR) (18 September 2025) (Revision)**

Neutral citation: [2025] KEHC 12750 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
REVISION CASE E079 OF 2025  
A MABEYA, J  
SEPTEMBER 18, 2025**

**BETWEEN**

**GEORGE AUKO ONG’ONDO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**REVISION**

1. George Auko Ong’ondo (‘the accused’) was charged with the offence of defilement contrary to section 8(1) as read with section 8(2) of the *Sexual Offences Act* No. 3 of 2006. The alternative charge was committing an Indecent Act with a child contrary to section 11(1) of the *Sexual Offences Act* No. 3 of 2006.
2. In its judgment of 24/7/2025, the trial Court found that neither of the charges were proved. That instead, the prosecution had proved Sexual Assault under section 5(1) (2) of the *Sexual Offences Act*. Accordingly, the trial Court convicted the accused for the said offence.
3. However, on 27/8/2025 when the matter came up for sentencing, the Court was of the view that it had convicted the accused on the charge of defilement and sentenced the accused to life imprisonment. A reading of the sentence meted out discloses that fact.
4. The file is before me for revision under section 362 of the *Criminal Procedure Code*. That section provides: -

“The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court.”



5. I have seen the provision under which the accused was convicted on. It does not have life as the Mandatory sentence. The sentence was therefore irregularly meted out.
6. In this regard, the life sentence meted out on the accused is hereby reviewed and set aside. The file is remitted back to the trial Court to mete out a lawful sentence in accordance with its Judgment of 24/7/2025.

It is so ordered.

**DATED AND DELIVERED AT KISUMU THIS 18<sup>TH</sup> DAY OF SEPTEMBER, 2025.**

**A. MABEYA, FCI Arb**

**JUDGE**

