



**Avaye v Republic (Miscellaneous Criminal Application
E024 of 2024) [2024] KEHC 4340 (KLR) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4340 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E024 OF 2024**

**RE ABURILI, J
APRIL 19, 2024**

BETWEEN

JOHN MUNYOLE AVAYE APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal Magistrate's
Court Criminal Sexual Offences Case No E954 of 2015 at Winam)*

RULING

1. The convict herein John Munyole Avaye was convicted and sentenced to serve twenty (20) years imprisonment *vide* Winam SPM Sexual Offences Case No. 954 of 2015.
2. He appealed *vide* Kisumu HCCRA No. 20 of 2018 which appeal was dismissed.
3. He seeks for reduction of sentence. He has served close to 6 years' imprisonment.
4. This court through Ochieng J.A dismissed the appeal and upheld the conviction and sentence.
5. I have no jurisdiction at this stage to reduce sentence which is almost 14 years remaining.
6. The convict can only benefit from prison decongestion after serving sentence and the remainder being 3 years and below.
7. I decline to grant the orders sought and dismiss the application dated 13th February 2024.
8. Signal to issue.
9. File closed.
10. I so order.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 19TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

