



**Atiang v Republic (Miscellaneous Criminal Application  
E058 of 2024) [2024] KEHC 5020 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5020 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E058 OF 2024**

**RE ABURILI, J**

**MAY 9, 2024**

**BETWEEN**

**GEOFFREY OCHIENG ATIANG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Sexual Offences Case No. E024 of 2022 at Tamu)*

**RULING**

1. In the application dated 9<sup>th</sup> January 2024, Geoffrey Ochieng Atiang seeks for sentence reduction due to its ambiguity.
2. He annexes committal warrant of imprisonment dated 1<sup>st</sup> March 2023 from Tamu Senior Principal Magistrate's court *vide* Sexual Offences Case No. E024 of 2022 where he was convicted of the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the [Sexual Offences Act](#).
3. There is no indication whether he has appealed. He was sentenced to serve life imprisonment.
4. I find no ambiguity in the sentence imposed as it is anchored in law under Section 8(2) of the [Sexual Offences Act](#).
5. I find the application to be misplaced. It is hereby dismissed.
6. This filed is closed.
7. Signal to issue.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 9<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**



**JUDGE**

