



**Kamaye v Republic (Miscellaneous Criminal Application  
E042 of 2024) [2024] KEHC 5047 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5047 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E042 OF 2024**

**RE ABURILI, J**

**MAY 7, 2024**

**BETWEEN**

**ROBERT AKOLO KAMAYE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Senior Principal  
Magistrate's Court Criminal Sexual Offences Case No. 34 of 2019 at Winam)*

**RULING**

1. The Applicant Robert Akolo Kamaye is a convict in Winam SPM Sexual Offences Case No 34 of 2019.
2. He appealed vide Kisumu HCCRA No E027 of 2022 against the sentence which is not clear as no warrant of commitment to prison is annexed. The outcome of that appeal is also undisclosed.
3. He now seeks for probation for 2 years out of the ten (10) years imprisonment.
4. I have considered the application. It does not make full disclosures and there is no basis upon which this Court can wake up and substitute the ten (10) years prison term imposed on a convict for such a heinous offence with probation.
5. I decline to make the orders sought and dismiss the application.
6. This file is closed. Signal to issue.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

