



**Mramba v Republic (Miscellaneous Criminal Application  
125 of 2023) [2024] KEHC 7104 (KLR) (13 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7104 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION 125 OF 2023**

**DO OGEMBO, J**

**JUNE 13, 2024**

**BETWEEN**

**GEORGE ODONGO MRAMBA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for Sentence Review from Sentence  
in the CM's at Siaya in Criminal Case No. 383 of 2008)*

**RULING**

1. The Applicant herein was charged below the lower court for the offence of Defilement contrary to Section 8 (2) of the [Sexual Offences Act](#). He also faced a count II of deliberate transmission of a life threatening sexually transmitted disease, namely syphilis contrary to Section 26(1) (c) of the [Sexual Offences Act](#), No. 3 of 2006. Upon his own plea of guilty, he was convicted on both counts and sentenced to serve life imprisonment on both counts.
2. He filed an appeal being Criminal Appeal no. 162 of 2008 (Kisumu), which appeal was dismissed by the court in a judgment delivered on 4/3/2011.
3. He has now applied to this court vide an application dated 18/7/2023, seeking revision of sentence mainly on grounds that he has reformed and that he is of advanced age of 66 years. Also that he is remorseful and completed certain technical courses.
4. The prosecution did not make any substantive response to this application.
5. I have considered the application of the applicant and also the record of the proceedings herein. The issue of conviction and sentence of the applicant was clearly dealt with and settled by the judgment of the court on appeal.



6. This court does not possess any legal authority to interfere with or revise any orders of a court of concurrent jurisdiction. It is functus officio in this matter. To that extent the application of the applicant dated 18/7/2023 is incompetent and lacks any merit. I dismiss the same wholly.

**DATED, SIGNED AND DELIVERED THIS 13<sup>TH</sup> DAY OF JUNE, 2024.**

**D. O. OGEMBO**

**JUDGE**

**13/6/2024**

**Court**

Ruling read out in court in presence of applicant and Ms. Kerubo for State.

**D. O. OGEMBO**

**JUDGE**

**13/6/2024**

