Otieno v Republic (Criminal Revision E003 of 2023)
[2023] KEHC 54 (KLR) (16 January 2023) (Ruling)

Neutral citation: [2023] KEHC 54 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT SIAYA

CRIMINAL REVISION E003 OF 2023

RE ABURILI, J

JANUARY 16, 2023

BETWEEN

STEPHEN OMONDI OTIENO ..... APPLICANT

AND

REPUBLIC ..... RESPONDENT

(Being an Application for sentence revision arising from conviction and sentence in Bondo PM's SO No. 438 of 2015 delivered by Hon. M. Obiero, Principal Magistrate on 25.08.2015 and in Siaya HCCRA No. 1 of 2018)

RULING

1. This file was opened for purposes of considering whether the convict Stephen Omondi Otieno is suitable for consideration of his sentence review in the spirit of prison decongestion.

2. I observe that he was convicted and sentenced to serve 15 years imprisonment on August 25, 2015 for the offence of defilement contrary to section 8(1) (3) of the *Sexual Offences Act*.

3. He appealed *vide* HCRA 1/2018 which appeal was dismissed.

4. He is due to complete sentence on August 24, 2030 without remission but should he merit remission, he will serve until October 8, 2025. The offence was serious. He has served seven years of the 15 years imprisonment.

5. I find the convict not suitable for prison decongestion at this stage as he still has 8 years to go. I decline to review his sentence and dismiss the application.

6. File closed.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF JANUARY, 2023.

R.E. ABURILI

JUDGE