



REPUBLIC OF KENYA



**Owino v Republic (Petition E038 of 2022) [2023] KEHC 2884 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2884 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
PETITION E038 OF 2022  
RE ABURILI, J  
MARCH 24, 2023**

**BETWEEN**

**DUNCAN ODONGO OWINO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From original conviction and sentence in Sexual Offences  
No 3 of 2018 in the Resident Magistrate's Court at Winam)*

**RULING**

1. The petitioner herein Duncan Odongo Owino was convicted and sentenced to serve twenty (20) years imprisonment for the offence of defilement contrary to section 8(1) as read with section 8(4) of the *Sexual Offences Act*.
2. From the annexed extract from prisoner's record sheet at Kisumu Maximum Prison, the convict has been in prison for three (3) years and that he has appealed against the judgement, conviction and sentence passed in Winam Resident Magistrate's Court Sexual Offences case No 3 of 2018. He was convicted on May 8, 2019.
3. As the petitioner has a pending appeal for consideration, this court cannot revise his sentence. I find this petition for resentencing premature. It is hereby dismissed.
4. This file is closed.
5. The petitioner/convict to be notified via signal to prison.
6. Ruling and signal to be typed forthwith.
7. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 24<sup>TH</sup> DAY OF MARCH, 2023**



**R. E. ABURILI**  
**JUDGE**

