



**GOO v Republic (Miscellaneous Criminal Application  
E120 of 2022) [2023] KEHC 3160 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3160 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E120 OF 2022**

**RE ABURILI, J  
APRIL 12, 2023**

**BETWEEN**

**GOO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant is GOO. He prays for sentence reduction because he is now rehabilitated, is remorseful and repentant. That the sentence imposed on him in Winam Senior Resident Magistrate Criminal Case No 1056 of 2013 is excessive as he is the sole breadwinner for his family, he suffers from acute ulcers, HIV & AIDS which is drug resistant, severe aldersy, was arrested in 2013.
2. He appealed vide HCCRA No 54 of 2018 which was dismissed. That he has never been subjected to prison indiscipline case.
3. The Warrant of committal dated March 28, 2018 shows that he was convicted and sentenced to serve fifteen (15) years imprisonment for the offence of defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*.
4. From the recommendation letter dated June 5, 2020 from Officer In-charge Kibos Maximum Prison, he is well behaved and of exemplary character and trained in life's skills – Bible courses. He has attached testimonials.
5. I have considered the application for sentence reduction. I am not persuaded that there is ground for granting such drastic orders. There is no proceedings from the lower court on the circumstances under which the offence was committed against the minor and no medical report on the health situation of the Applicant/Convict is annexed to substantiate his claims.



6. I decline the application for sentence review and dismiss it. However, I order that in the event that the Convict herein was in custody pending trial and sentencing, then such period that he may have been in custody, subject to the prison verifying from the lower court proceedings, shall be considered in the sentence to be served.
7. File closed.
8. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 12<sup>TH</sup> DAY OF APRIL, 2023**

**R. E. ABURILI**

**JUDGE**

