



**Kariuki v Republic (Miscellaneous Criminal Application
E081 of 2022) [2023] KEHC 3145 (KLR) (12 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3145 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E081 OF 2022**

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

BETWEEN

MICHAEL OTIENO KARIUKI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant is Michael Otieno Kariuki. He was convicted and sentenced to serve life imprisonment vide Chief Magistrate's Court at Nyando in Sexual Offences Case No 734 of 2012 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act*.
2. He appealed vice Kisumu HCRA No 48 of 2016 which appeal was dismissed. He now seeks for lenient definite sentence and application of Section 333(2) of the *Criminal Procedure Code*.
3. I have considered the application which is not supported by any court proceedings or record.
4. This not a constitutional petition, I find no ground upon which I can review sentence which was upheld by the High Court.
5. The application is found to be devoid of any merit and is hereby dismissed.
6. File closed. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF APRIL, 2023

R E ABURILI

JUDGE

