



REPUBLIC OF KENYA



KENYA LAW
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**Abuto v Republic (Criminal Appeal 120 of 2018)
[2023] KEHC 23878 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23878 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPEAL 120 OF 2018
RE ABURILI, J
OCTOBER 6, 2023**

BETWEEN

JARED OUMA ABUTO APPELLANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate's Court Criminal Case No. 37 of 2017 at Nyando)*

RULING

1. The appeal was filed on 31st December 2018 by Jared Ouma Abuto, the accused person in Nyando Senior Principal Magistrate Criminal Case No. 37 of 2017.
2. The same Appellant also filed Kisumu HCCRA No. E010 OF 2022 on March 16, 2022. No doubt, the same appellant filed two separate appeals, one after the other.
3. In the latter appeal, the court heard and delivered judgement on 21st June 2023 upholding the conviction of the Appellant but reduced the sentence imposed for the offences of rape and assault causing actual bodily harm.
4. Infact, the Appellant on his own accord withdrew the challenge against conviction and asked the court to consider reducing his sentence and the court did reduce the sentence imposed from twenty (20) years imprisonment to ten (10) years imprisonment.
5. For the above reasons, and for duplicity of appeals, this appeal being the same as HCCRA No. E010 of 2022 which was heard and concluded with a judgment rendered on June 21, 2023, this appeal is hereby dismissed and the file is hereby closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF OCTOBER, 2023



R. E. ABURILI
JUDGE

