



**Odhiambo v Republic (Miscellaneous Criminal Application
88 of 2023) [2024] KEHC 13435 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13435 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION 88 OF 2023
RE ABURILI, J
OCTOBER 22, 2024**

BETWEEN

PAUL ODHIAMBO ODHIAMBO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Paul Odhiambo Odhiambo is a convict in Bondo PM SO Case No. 31/2018 where he was sentenced to serve 30 years imprisonment on 4/2/2019 for the offence of defilement contrary to Section 8(1) as read with section 8(2) of the *Sexual Offences Act*. He appealed vide HCCRA 5/2019. Which appeal was dismissed both against conviction and sentence on 17/2/2020.
2. The convict now applies vide his Notice of Motion dated 6/7/2023 for review of or reduction of the sentence imposed to enable him salvage his future and that the sentence to take into account Section 333 (32) of the *Criminal Procedure Code*. He also filed submissions and certificates of the life skills acquired while in prison.
3. I have considered the application for sentence review.
4. I find no jurisdiction to review sentence upheld by this Court on appeal. Further, the convict was lucky to get a term sentence of 30 years noting that the mandatory sentence under Section 8 (2) of the *Sexual Offences Act* is life imprisonment. The victim of the offence was aged 8 years.
5. Additionally, the convict should have raised the issue of section 333 (2) of the *CPC* in the appeal for consideration.
6. I find this application to be devoid of merit. It is hereby dismissed. This file is closed.

RULING DATED, SIGNED AND DELIVERED THIS 22ND DAY OF OCTOBER, 2024



R. E. ABURILI
JUDGE

