



**Adiyo v Republic (Miscellaneous Criminal Application 119 of 2023)  
[2024] KEHC 14353 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14353 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
MISCELLANEOUS CRIMINAL APPLICATION 119 OF 2023  
RE ABURILI, J  
NOVEMBER 8, 2024**

**BETWEEN**

**JARED OMONDI ADIYO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Jared Omondi Adiyo was convicted *vide* Bondo PM SO Case No. 1092/2016 of the offence of defilement contrary to Section 8 (1) as read with Section 8 (2) of the [Sexual Offences Act](#). He was sentenced to serve life imprisonment on 18/7/2017. He appealed *vide* Siaya HCCRA 64/2017 which appeal was heard on merit and dismissed on 2/12/2019 but on sentence, the court substituted life imprisonment with seventy-five (75) years to be calculated from the date of conviction in the lower court.
2. The child defiled was aged one (1) year and 4 months only.
3. The convict is back to court seeking for sentence review. I have considered the application and the grounds in support. This court already exercised discretion on appeal and substituted life imprisonment with seventy-five (75) years imprisonment, considering the age of the defiled child was 1 year and 4 months, there is no residual discretion left to this court to exercise.
4. The application filed on 3/8/2023 and dated 13/7/2023 is hereby found to be devoid of merit and basis. It is dismissed.
5. Signal to issue. File closed.

I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 8<sup>TH</sup> NOVEMBER, 2024**

**R. E. ABURILI**



**JUDGE**

