



REPUBLIC OF KENYA



**Okumu v Republic (Criminal Miscellaneous Application E111 of 2023)  
[2024] KEHC 14311 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14311 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL MISCELLANEOUS APPLICATION E111 OF 2023  
RE ABURILI, J  
NOVEMBER 8, 2024**

**BETWEEN**

**BENJAMIN ANGANGA OKUMU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Benjamin Anganga Okumu was convicted of the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act* vide Bondo SPM's SO Case No. 70/2020. He appealed vide Siaya HCCRA E028/2021 which appeal was dismissed on 3/5/2022.
2. In the said judgment on appeal, the court considered the period spent in custody during trial to calculate the 20 years imprisonment.
3. The convict applied for sentence revision vide Petition No. E016/2022 which was dismissed on 12/10/2022.
4. The convict is back to court vide his application dated 1/12/2023 seeking for sentence reduction/review to a less severe term.
5. I have considered the application, grounds and supporting affidavit. I find the application dated 1/12/2023 to be devoid of any basis and is an abuse of court process. It is hereby dismissed. This file is closed. Signal to issue.

I so order.

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

**R. E. ABURILI**

**JUDGE**

