



**Owuor v Republic (Miscellaneous Criminal Application E067 of 2024)
[2024] KEHC 14308 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14308 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E067 OF 2024
RE ABURILI, J
NOVEMBER 8, 2024**

BETWEEN

SAMWEL ODHIAMBO OWUOR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Samwel Odhiambo Owuor was convicted of the offence of defilement contrary to Section 8(1) as read with section 8(3) of the *Sexual Offences Act*, and sentenced to serve twenty (20) years imprisonment in Bondo SPM Sexual Offences Case No 63/2020, on 23/6/2022.
2. He appealed vide Siaya High Court Criminal Appeal No E022/2022 which appeal was heard on merit and allowed on sentence which was reduced to 10 years imprisonment to be calculated from date of arrest on 16/8/2020 in line with Section 333 (2) of the *Criminal Procedure Code*. This was on 20/1/2023.
3. The convict is back to court seeking for waiver of the sentence because he is sorry and that he has reformed. That prison condition are hard and harsh hence he should be given non-custodial sentence for the remaining term.
4. I have considered the application filed on 20/6/2024 and find it to be an abuse of court process. There is no residual jurisdiction left to this court to reduce further the reduced sentence which the convict is lucky to have benefited from the discretion of the court on appeal.
5. The application filed on 20/6/2024 for further reduction of sentence to non-custodial sentence is dismissed.
6. Signal to issue. This file is closed.

I so order.



DATED, SIGNED AND DELIVERED THIS 8TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

