

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MIGORI

CRIMINAL REVISION NO. E032 OF 2020

FRANCIS OTIENO OLAJO.....APPELLANT

-versus-

REPUBLIC.....RESPONDENT

JUDGMENT

Francis Otieno Olajo was convicted and sentenced to serve life imprisonment for the offence of defilement contrary to Section 8(1) and (2) of the Sexual Offences Act in Criminal Case No. 42 of 2018.

He appealed against the said judgment in HCCRA 54 of 2019 where J. Mrima commuted the life imprisonment to thirty (30) years imprisonment.

The petitioner has now filed this petition on 9/12/2020 pursuant to Sections 354 and 364, Articles 23(3) (f) and 50(2) (q) of the Constitution requesting the court to review the sentence because it was harsh and excessive; that he has been a person of good conduct while in prison and needs to be reintegrated in society. The applicant did not disclose how any of his rights were violated.

The applicant having been heard on appeal by J. Mrima, a judge of concurrent jurisdiction, this court has no jurisdiction to hear this matter on review or Petition. It is not clear whether the petitioner intended to file a petition or merely seeking a review. Whatever the case, If the petitioner is dissatisfied with the sentence, the proper forum to seek redress is the Court of Appeal.

For that reason, this petition is declined and dismissed.

DELIVERED, DATED AND SIGNED AT MIGORI THIS 21ST DAY OF SEPTEMBER, 2021.

R. WENDOH

JUDGE