

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E096 OF 2021

CORAM: HON. R.E. ABURILI J

PETER OBARE AMARA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Sentence Review against sentence in Siaya Principal Magistrate's Court in

Cr. Case No. 320 of 2015 by Hon. C.A. Okore, Senior Resident Magistrate on 15.9.2016 AND

Siaya HCRA No. 115 of 2016 by Hon. Justice D.S. Majanja J on 19.2.2018)

RULING

1. The applicant Peter Obare Amara 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 a term of 20 years imprisonment.
2. The applicant claims that he appealed vide HCRA 115/2016 which appeal was dismissed and that his further attempt to appeal to the Court of Appeal was thwarted by the dismissal of his application under Rule 113 of the Court of Appeal. He now seeks for review of the 20 years imprisonment on account that he has reformed and is remorseful as he has undergone rehabilitation such that he has can be reintegrated in the society. He prays for non-custodial sentence.
3. I have considered the application, grounds thereof. I note that the applicant seeks review of sentence lawfully imposed by the trial court and affirmed by the High court.
4. This court having affirmed the sentence imposed in a judgement rendered on appeal, has no jurisdiction to sit on its own appeal to review the sentence in sexual offences conviction on account of reformation or rehabilitation of the convict and especially in such a serious offence.
5. For the above reason and for want of requisite jurisdiction, the application filed on 22/10/2021 at Kisumu High Court and transferred to this court as 14/7/2021 by Kisumu High Court be and is hereby dismissed.
6. File is closed.
7. Orders accordingly.

Dated, signed and Delivered at Siaya this 20th Day of September 2021

R.E. ABURILI

JUDGE