

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISC. CRIMINAL APPLICATION NO. E109 OF 2021

CORAM: R.E. ABURILI, J

BENARD ODHIAMBO NG'ONG'A.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

*(Being an Application arising from conviction and sentence of the Principal Magistrate's court
at Bondo in Sexual Offence Case No. 30 of 2018)*

RULING

1. I have considered the application filed on 9/11/2021 by the applicant convict **BENARD ODHIAMBO NG'ONG'A**. The convict/applicant claims that he was sentenced to serve 15 years imprisonment for the offence of defilement and on appeal, his prison term was reduced to 10 years imprisonment vide HCRA 6/2019. He now seeks for further reduction of that sentence.

2. I have considered the application by the convict. I find no merit in the application for sentence reduction as the court did exhaust its jurisdiction on appeal, by considering the applicable principle in the Supreme Court in **Francis Muruatetu & another v R [2017] e KLR** case as applied in the **JARED Koita Injri v R [2019]e KLR** by the Court of Appeal. The application is found to be devoid of merit. It is hereby dismissed.

3. File closed.

Dated, signed and delivered at Siaya this 16th Day of November, 2021

R.E. ABURILI

JUDGE