



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**MISC. CRIMINAL APPLICATION NO. E111 OF 2021**

**CORAM: R.E. ABURILI, J**

**JOACKIM OLUOCH NYAMBARE.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being an Application arising from conviction and sentence of the Principal Magistrate's court at*

*Ukwala in Criminal Case No. 36 of 2017 by Hon G. Adhiambo, SRM*

*aNd HCRA 48 of 2017-Aburili J )*

**RULING**

1. The applicant was convicted and sentenced to serve 15 years imprisonment for the offence of gang rape contrary to **Section 3(1) of the Sexual Offences Act**.
2. He appealed and the High Court in **HCR 48/2017** reduced the sentence to 10 years imprisonment on 7/9/2019, applying the principles laid down in **Francis Muruatetu & another v R, [2017] e KLR** and **Jared Koita Injiri v R [2019] eKLR**. He now seeks for further reduction of that sentence to non-custodial sentence.
3. This court has exhausted its jurisdiction in the matter. I find the application devoid of merit, the same is hereby declined and dismissed.
4. File closed.
5. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF NOVEMBER, 2021**

**R.E. ABURILI**

**JUDGE**