REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISCELLANOUS CRIMINAL APPLICATION NO. 60 OF 2020

FREDRICK ODHIAMBO DIMO.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an application seeking sentence Review against sentence

in Ukwala PM's Sexual Offence Case No. 552 of 2015)

RULING

1. The applicant FREDRICK ODHIAMBO DIMO seeks to quash the 15 year prison term for the offence of gang defilement as convicted and sentenced vide Ukwala Senior Resident Magistrate's Court Sexual Offence Case No. 55 of 2015. He seeks for a lesser sentence.

The application is by way of Miscellaneous Application. However, this Court is devoid of jurisdiction to entertain sentence reduction where there is no constitutional Petition filed. The sentence imposed is lawful.

2. I find the application incompetent. The same is hereby dismissed.

3. File closed.

Orders accordingly.

Dated, Signed and Delivered at Siaya this 1st day of September, 2020

R. E. ABURILI

JUDGE