

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISC. CRIMINAL APPLICATION NO. 56 OF 2020

MICHAEL ONYANGO OCHIENG.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

(Being an Application for Revision of sentence in Criminal (SO) Case No. 581 of 2016 in the Senior Resident Magistrate's Court at Ukwala)

RULING

1. The Applicant is serving a 10 year prison sentence for the offence of defilement as convicted under Section 8(3) of the Sexual Offences Act vide Ukwala SO Case No. 581/2016 on 3/10/2016. The minimum sentence under that section is 20 years imprisonment. He seeks for sentence review because he is remorseful and an orphan hence the court should reduce his prison sentence.
2. I have considered the application for Sentence Revision and the fact that the trial court did not impose on him the mandatory minimum sentence. The sentence of 10 years imprisonment is lawful and lenient.
3. There is no irregularity or reason for review of such sentence.
4. I find the application devoid of merit. The same is hereby dismissed.
5. File closed.
6. Orders accordingly.

Date, signed and Delivered at Siaya this 1st Day of September 2020

R.E. ABURILI

JUDGE