



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYAMIRA**

**PETITION NO. 30 OF 2019**

**ALEX ABUGA MONYONCHO.....PETITIONER**

**VERSUS**

**THE REPUBLIC.....RESPONDENT**

**JUDGEMENT**

The petitioner has by this petition approached this court for an order for his release from prison on the ground that he has undertaken several courses in prison which evidence that he has reformed. He has annexed the relevant petitions. He was sentenced to twenty years imprisonment for defilement of a child aged thirteen years and was candid enough to tell this court that he had earlier come to this very court for resentencing. Indeed, I also note from his annexures that he had by another petition approached this court for a declaration that his trial was a nullity. This court however dismissed that petition for lack of merit.

The present application is vehemently opposed and I agree with Counsel's submission that the same has no merit. If indeed the petitioner was aggrieved by the sentence, then his recourse was to appeal against the sentence as he was entitled to do under **Section 347 of the Criminal Procedure Code**. He has not demonstrated any violation of his rights that would warrant this court to grant him orders in a Constitutional Petition. Accordingly, the petition is dismissed.

**Signed, dated and delivered in open court this 5<sup>th</sup> day of December 2019.**

**E. N. MAINA**

**JUDGE**