



**Opiyo v Republic (Criminal Revision E186 of 2025)
[2025] KEHC 16238 (KLR) (11 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16238 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E186 OF 2025
DR KAVEDZA, J
NOVEMBER 11, 2025**

BETWEEN

WILFRED ONYANGO OPIYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged before the lower court with the offence of Defilement contrary to Section 8(1)(3) of the *Sexual Offences Act*. He was convicted and sentenced to twenty (20) years' imprisonment. He appealed against the conviction and sentence *vide CR Appeal No. E068 of 2021*, which was dismissed in its entirety. The applicant has now filed the present application dated 13th October 2025 seeking a sentence review, requesting that the original sentence be reduced.
2. I have carefully considered the application, the grounds advanced, and the applicable law. The record of the trial court demonstrates that the court took into account the applicant's mitigation, the time spent in remand custody, and the fact that he was a first offender. The court exercised its discretion appropriately, and the sentence imposed was lawful and proportionate to the offence committed.
3. Having considered the application in its entirety, I find no new or compelling circumstances that would justify a revision of the sentence. The application does not demonstrate any error, illegality, or miscarriage of justice on the part of the trial court.
4. It is pertinent to note that the High Court has already exercised its jurisdiction over the matter. This court is therefore *functus officio* and cannot further review a sentence that has been finally determined on appeal. The only avenue available to the applicant, if he wishes to challenge the sentence, is to file an appeal before the Court of Appeal in accordance with the law.
5. In the circumstances, the application dated 13th October 2025 is dismissed for lack of merit.



RULING DATED AND DELIVERED VIRTUALLY THIS 11TH DAY OF NOVEMBER 2025

D. KAVEDZA

JUDGE

