



REPUBLIC OF KENYA



KENYA LAW
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**Okello v Republic (Criminal Appeal E133 of 2025)
[2025] KEHC 18287 (KLR) (9 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18287 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL E133 OF 2025
DR KAVEDZA, J
DECEMBER 9, 2025**

BETWEEN

ROBERT OKELLO APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The appellant was charged and, after a full trial, convicted by the Subordinate Court of the offence of defilement contrary to section 8(1) as read with 8(3) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve twenty (20) years' imprisonment.
2. He filed an appeal challenging his conviction as sentence before this court in Kibera High Court Criminal Appeal No. E060 of 2024 (Robert Okello vs Republic). On 8th April 2025, this court found the appeal to be lacking in merit and dismissed it in its entirety.
3. The appellant has now presented this fresh appeal, once again challenging the same conviction and sentence arising from the same trial.
4. The record clearly demonstrates that this court has already exercised its appellate jurisdiction over the matter and rendered a final determination. This court is therefore functus officio. Any further challenge lies only before the Court of Appeal.
5. In the circumstances, the present appeal is incompetent and amounts to a clear abuse of the court process. It is accordingly dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 9TH DECEMBER 2025



D. KAVEDZA

JUDGE

In the presence:

Mr. Odhiambo for the Appellant

Mr. Mutuma for the Respondent

Karimi Court Assistant.

