

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BOMET

MISC. CRIMINAL APPLICATION NO. E032 OF 2024

ISAAC KIPKORIR SIELE APPLICANT

VERSUS

REPUBLIC.....

RESPONDENT

RULING

1. The Applicant filed an undated Notice of Motion Application seeking a reduction of his sentence.

The Applicant's case

2. The Applicant stated that he was convicted for the offence of defilement and was sentenced to serve 15 years imprisonment. That he was remorseful and a first offender. The Applicant

further stated that he was 55 years old and had children who depended on him.

3. It was the Applicant's case that he suffered from chronic ulcers and sight problems which required medical attention.

Analysis

4. The Applicant was charged with the offence of defilement contrary to **section 8(1)** as read with **section 8(4) of the Sexual Offences Act**. He was convicted and sentenced to serve 15 years imprisonment by the trial court. The Applicant appealed his conviction and sentence to this court vide Bomet High Court Criminal Appeal Number E028 of 2022 and in its Judgement dated 27th July 2023, this court (Korir J.) upheld the Applicant's conviction and sentence.

5. It is my view that once this court dealt with the Applicant's Appeal and upheld his sentence, it became *functus officio*. The

Applicant's recourse lay with the Court of Appeal and not this court.

6. In the end, I find that this court has no jurisdiction to review the Applicant's sentence further. It is my further finding that the Application lacks merit and is hereby dismissed.

Ruling delivered, dated and signed at Bomet this 15th day of December, 2025.

.....
Hon. JULIUS K. NG'ARNG'AR
JUDGE

Ruling delivered in the presence of:

Siele/Susan (Court Assistants).

N/A for the Applicant

N/A for the Respondent

(Notice to issue to the Applicant).