



**Onyango v Republic (Miscellaneous Criminal Application
E106 of 2025) [2026] KEHC 2926 (KLR) (6 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 2926 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E106 OF 2025**

A MABEYA, J

MARCH 6, 2026

BETWEEN

GODRICK OCHIENG ONYANGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. By a Motion on Notice dated 9/7/2025, Godrick Ochieng Onyango ('the applicant'), has sought that his sentence be reviewed and that he be admitted to probation. That the 10-year sentence be substituted with either probation or Community Service.
2. The grounds set out in the Motion are that he is the sole bread winner of his family. He had only one parent whom he was taking care before his sentence and that he had been fully rehabilitated.
3. The Court has considered the record. The applicant was charged with the offence of defilement contrary to section 8(1) and 8(3) of the *Sexual Offences Act* No. 3 of 2006. That on diverse dates in the month of September, 2019 at [Particulars Withheld], Kisumu Central Sub-County within Kisumu County, he caused his penis to penetrate the vagina of L.A a child of 15 years.
4. He was found guilty by the Nyando Principal Magistrate's Court, convicted and sentenced to 10 years.
5. I have considered the record. I find that there are no grounds for review. There was no irregularity that has been alleged in the conduct of the proceedings in the lower court.
6. It should be remembered that the offences under the *Sexual Offences Act* are not available to review under the Community Service Order Act. they are prohibited. Since the applicant was convicted on one of such offences, this Court lacks jurisdiction to review the sentence.
7. Accordingly, the Court finds the application to be without merit and dismisses the same.



It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 6TH DAY OF MARCH, 2026.

A. MABEYA, FCI Arb

JUDGE

