



REPUBLIC OF KENYA



**Okumu v Republic (Criminal Appeal 134 of 2017)
[2022] KECA 1259 (KLR) (8 November 2022) (Order)**

Neutral citation: [2022] KECA 1259 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT KISUMU
CRIMINAL APPEAL 134 OF 2017
PO KIAGE, F TUIYOTT & JM NGUGI, JJA
NOVEMBER 8, 2022**

BETWEEN

JOSEPHAT OKUMU APPELLANT

AND

REPUBLIC RESPONDENT

*(Appeal from the Judgment of the High Court of Kenya at Kisii
(R.N. Sitati, J) Dated 21st May, 2012 in HCCRA No. 92 of 2011)*

ORDER

1. The appellant, who is in person, has been in custody for over 11 years, serving a 20-year sentence imposed on him for the offence of committing an indecent act with a child contrary to section 11 (1) of the *Sexual Offences Act* No 3 of 2006.
2. It is not in dispute that he pleaded guilty to the offence. It is also not in dispute that at the time of the offence, he was around 18 years old. The offence attracted a minimum sentence of 10 years, but as we have stated, he got 20 years' imprisonment.
3. Having heard him in person and having heard the state through the learned prosecuting counsel Mr Okango, it is clear beyond peradventure that this is a deserving case that the appeal ought to be allowed on sentence which is all that is brought before us.
4. In the circumstances, we allow the appeal on sentence and order that the sentence be reduced to the term already served.
5. The appellant shall accordingly be set at liberty forthwith unless otherwise lawfully held. The court shall give detailed reasons for this judgement on March 17, 2023 there being no earlier date available to the court.

Order accordingly.



MADE AT KISII THIS 8TH DAY OF NOVEMBER, 2022.

P O KIAGE

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JUDGE OF APPEAL

F TUIYOTT

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JUDGE OF APPEAL

JOEL NGUGI

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR

