



**Odhiambo v Republic (Criminal Revision E285 of 2024)
[2025] KEHC 9321 (KLR) (27 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 9321 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E285 OF 2024**

A MABEYA, J

JUNE 27, 2025

BETWEEN

VINCENT ODIWUOR ODHIAMBO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Vincent Odiwuour Odhiambo was charged with the offence of defilement contrary to section 8(1) and (2) of the *Sexual Offences Act*.
2. He was tried, found guilty and sentenced to life imprisonment by the Nyando Senior Principal Magistrate's Court on 26/9/2018. He appealed to this Court and by a judgment delivered on 13/4/2021, Ochieng J reduced the sentence to 20 years' imprisonment.
3. By a Motion on Notice dated 4/8/2023, the applicant approached this Court seeking the re-sentencing. He argued that the sentence of 20 years was excessive. He cited Article 50(2) (p) (q) of *the Constitution* of Kenya. The State opposed the application,
4. I have considered the application. I have also considered the entire record. I find that since this Court (Ochieng J) has already rendered itself on the sentence of the applicant, the Court is functus officio. It is bereft of any jurisdiction to re-look at that issue.
5. Accordingly, I find the application to be without merit and dismiss the same.
It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 27TH DAY OF JUNE, 2025.

A. MABEYA, FCI Arb

JUDGE

