



**Odhiambo v Republic (Miscellaneous Criminal Revision
E112 of 2024) [2025] KEHC 10897 (KLR) (24 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 10897 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL REVISION E112 OF 2024**

JM OMIDO, J

JUNE 24, 2025

BETWEEN

WILLIAM OWITI ODHIAMBO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the Applicant's Notice of Motion dated 7th June, 2024 that seeks review of his sentence. I have also considered the record.
2. On 4th March, 2025, I directed the Officer in Charge at Kisumu Maximum Prison to present a written report on any previous appeals, revisions or applications for review of sentence that have been preferred by the Applicant.
3. This court received a report dated 24th March, 2025 from the Officer in Charge Kisumu Maximum Prison.
4. It is instructive from the report that the Appellant was convicted on a charge of defilement contrary to Section 8(2) of the *Sexual Offences Act* and subsequently sentenced to life imprisonment on 5th December, 2014 vide Winam Senior Principal Magistrate's Court Sexual Offence Case No. 848 of 2014
5. The Applicant appealed the conviction and sentence vide High Court Criminal Appeal No. 46 of 2015. The appeal against both conviction and sentence was dismissed on 5th June, 2015.
6. The Applicant later filed before this court Petition this court High Court Petition No. E028 of 2023 which was terminated on 30th April, 2024, with the result that his conviction and sentence stood.
7. The dismissals above notwithstanding, the Applicant has now presented before me the application that is subject of this ruling, which again seeks for review of his sentence.



8. It is clear to me from the history above that the Applicant is abusing the process of this court. This court has a duty to zealously guard against such abuse. His previous applications, similar to the one before me, have been dismissed but he still has the tenacity to refile the same.
9. Although the ODPP is yet to file a response to the application, my view is that it is not one that the court should waste precious time to entertain. I will proceed to strike it out, which I hereby do.
10. In view of the Applicant's history of abusing the court process, I order that he shall not be allowed to file any other applications regarding his sentence unless he first obtains the leave of this court, through a formal application, to which he must attach a copy of this ruling.
11. A copy of this ruling to be served upon the Officer in Charge, Kisumu Maximum Prison for records and action.
12. This file is closed.

DELIVERED, SIGNED AND DATED AT THIS 24TH DAY OF JUNE, 2025.

JOE M. OMIDO

JUDGE

Applicant: Present, virtually.

For Respondent: Ms. Muema, Prosecution Counsel.

Court Assistants: Mr. Ngoge & Mr. Juma.

