



**Opar v Republic (Miscellaneous Criminal Application E128 of 2025) [2025] KEHC 11177 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11177 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E128 OF 2025**

**DR KAVEDZA, J  
JULY 29, 2025**

**BETWEEN**

**ERIC OCHIENG OPAR ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant herein was charged before the lower court with the offence of defilement contrary to section 8(1)(3) of the Sexual Offences Act, No 3 of 2016. He was sentenced to serve 20 years imprisonment. His appeal against conviction and sentence was dismissed in Criminal Appeal 16 of 2015 on 4<sup>th</sup> October 2022.
2. He has filed the present application dated 5<sup>th</sup> June 2025 seeking sentence review. The averments made in support of the application are that he has spent 11 years imprisonment which is sufficient rehabilitation. He prayed for a non-custodial sentence.
3. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. This court is therefore functus officio. The right forum for the applicant is the Court of Appeal.
4. In the circumstances, the application is dismissed.

Order accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 29<sup>TH</sup> DAY OF JULY 2025**

.....

**D. KAVEDZA**

**JUDGE**

