



**Omondi v Republic (Criminal Petition E002 of 2024)
[2024] KEHC 550 (KLR) (26 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 550 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E002 OF 2024
RE ABURILI, J
JANUARY 26, 2024**

BETWEEN

FREDRICK OMONDI OMONDI APPLICANT

AND

REPUBLIC RESPONDENT

(Arising from the original conviction and sentence in Senior Principal Magistrate Court Criminal Sexual Offences Case No. 338 of 2016 at Winam)

RULING

1. The Applicant seeks for resentencing in Winam SPM Sexual Offences Case No. 338 of 2016 wherein he was sentenced to life imprisonment which was reduced to twenty (20) years imprisonment on appeal vide HCCRA No. 52 of 2018.
2. He has been in prison for six (6) years now. He has however not annexed any court proceedings for this court to appreciate circumstances under which the offence of incest was committed, attracting such heavy penalty.
3. In addition, the High Court already reduced his sentence to twenty (20) years in prison from life imprisonment.
4. He has not served ²/₃ of the sentence reimposed. I am unable to exercise any discretion in the case.
5. I decline the application and dismiss it. I so order. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

