



Ongori v State (Criminal Case 75 of 2017) [2024] KEHC 8457 (KLR) (29 May 2024) (Ruling)

Neutral citation: [2024] KEHC 8457 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
CRIMINAL CASE 75 OF 2017**

TA ODERA, J

MAY 29, 2024

BETWEEN

DAVID OGENDI ONGORI APPLICANT

AND

STATE RESPONDENT

RULING

1. The applicant herein was charged in Ogembo Sexual Offence Case no. 75 of 2017 with the offence of Gang rape contrary to Section 10 of the *Sexual Offences Act*.
2. The application is premised on the ground that the 20 years imprisonment term which was meted out to him by the Lower court is constitutional. He revealed that he appealed against conviction and sentence in the said case vide Kisii High Court Criminal Appeal no. 50 of 2018 and the appeal was dismissed. I have perused the Judgment of Hon. Ougo J in the said appeal and I noted that the Judge confirmed the sentence and held that the sentence for gang rape is not less than 15 years which can be enhanced to life and thus the sentence of 20 years was appropriate.
3. This court lacks Jurisdiction to review the judgment of a court of concurrent jurisdiction as was held in the case of *Antony Nyaga Njagi v Republic* [2020] eKLR and the issues raised herein are similar to the ones raised in the said appeal. The application is devoid of merit and I proceed to dismiss it.

T.A ODERA

JUDGE

29.5.24

Delivered virtually in the presence of:

Applicant in Person

Koima for the State



