



**Imbali v Republic (Miscellaneous Criminal Application
E080 of 2024) [2024] KEHC 6185 (KLR) (29 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6185 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E080 OF 2024**

RE ABURILI, J

MAY 29, 2024

BETWEEN

JAMES IMBALI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in the Principal Magistrate's Court
Criminal Case No. 57 of 2014 at Kakamega arising from Kakamega High Court
Criminal Appeal No. 41 of 2015 arising from Kisumu Court of Appeal No. 191 of 2017)*

RULING

1. The Applicant is James Imbali. He was convicted and sentenced to serve life imprisonment vide Kakamega Principal Magistrate Sexual Offences Case No 57 of 2014 on 25th March 2015 for the offence of incest contrary to Section 20(1) of the [Sexual Offences Act](#).
2. He appealed vide HCCRA No 41 of 2015 at Kakamega High Court, which appeal was dismissed.
3. He appealed to the Court of Appeal at Kisumu vide Court of Appeal Criminal Appeal No 191 of 2017 and he deposed that the appeal against sentence was allowed, substituting life imprisonment to 30 years imprisonment.
4. He claims that he has been rehabilitated and he has reformed hence he seeks by his application dated 6th May 2024, sentence reduction.
5. I have considered the application, affidavit and grounds in support. I find that the application is misplaced and misdirected.



6. This court has no jurisdiction to reduce the 30 years imprisonment imposed by the Court of Appeal and in proceedings emanating from a different geographical jurisdiction, which is Kakamega High Court.
7. The application is hereby found to be devoid of merit and the same is hereby dismissed and the file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 29TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

