



**Ochola v Republic (Criminal Petition E005 of 2024)  
[2024] KEHC 8015 (KLR) (28 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8015 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL PETITION E005 OF 2024  
RE ABURILI, J  
JUNE 28, 2024**

**BETWEEN**

**VITALIS OCHOLA ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From original conviction and sentence in Winam Senior  
Principal Magistrate Criminal Sexual Offences Case No. 1 of 2018)*

**RULING**

1. The Applicant/Petitioner Vitalis Ochola seeks for Sentence Review. He was convicted vide Winam SRM Sexual Offences Case No. 1 of 2018 of the offence of gang defilement and was sentenced to serve 15 years' imprisonment.
2. He appealed to this court vide HCCRA No. 46 of 2019. The appeal against conviction and sentence was dismissed vide Judgment rendered on 4<sup>th</sup> February 2020.
3. He applied for revision of sentence vide criminal Petition No. 74 of 2020 which was dismissed.
4. This court has no residual power to review the sentence confirmed by the Court on Appeal and through resentencing vide Criminal Petition No. 74 of 2020.
5. The application for sentence review dated 22<sup>nd</sup> January 2-24 is dismissed.
6. This file is closed.
7. Signal to issue.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 28<sup>TH</sup> DAY OF JUNE, 2024**

**R. E. ABURILI**



**JUDGE**

