



REPUBLIC OF KENYA



**Opati v Republic (Criminal Petition E004 of 2024)
[2024] KEHC 8041 (KLR) (28 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8041 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL PETITION E004 OF 2024
RE ABURILI, J
JUNE 28, 2024**

BETWEEN

JASON OPATI PETITIONER

AND

REPUBLIC RESPONDENT

*(From original conviction and sentence in Maseno Senior
Principal Magistrate Criminal Case No. 849 of 2017)*

RULING

1. The Applicant/Petitioner Jason Opati is a convict in Maseno SPM Sexual Offences Case No. 849 OF 2017.
2. He was sentenced to serve life imprisonment for the offence of defilement for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act*.
3. He prays for a less severe sentence. However, from his own pleadings, he appealed vide HCCRA No. 73 of 2018 at Kisumu High Court which appeal was dismissed.
4. There are no court proceedings or record of appeal annexed. Nonetheless, I find no reasons why a 71-year-old man can pounce on a child less than 11 years and defile her. He should have respected his age, that of a great grandfather to the child victim.
5. I decline to interfere with the sentence imposed. The application for sentence review is dismissed.
6. Signal to issue. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF JUNE, 2024

R. E. ABURILI



JUDGE

