



**SMK v Republic (Miscellaneous Application E061 of 2024)
[2024] KEHC 13246 (KLR) (29 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13246 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS APPLICATION E061 OF 2024
DR KAVEDZA, J
OCTOBER 29, 2024**

BETWEEN

SMK APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of incest contrary to section 20(1) of the Sexual Offences Act No. 3 of 2006. He was sentenced to serve a life imprisonment sentence. His appeal against conviction and sentence was dismissed by this court. Thereafter, he filed a resentencing application and he was resented to 40 years imprisonment.
 2. He has filed the present application on 29th May 2024 seeking revision of sentence. The grounds raised are that the 40 year sentence is too harsh and not commensurate with the sentencing purpose of rehabilitation and reintegration considering the applicant’s age. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence to a more lenient one.
 3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality, I find that the sentence imposed was legal in the circumstances of the case.
 4. In my view I find no good cause or reason to revise the sentence imposed by the trial court.
 5. The application dismissed for lacking in merit.
- Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 29TH OCTOBER 2024



D. KAVEDZA
JUDGE

