



**Ruto v Republic (Criminal Petition E001 of 2024)  
[2024] KEHC 16618 (KLR) (19 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16618 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAPENGURIA  
CRIMINAL PETITION E001 OF 2024  
RPV WENDOH, J  
DECEMBER 19, 2024**

**BETWEEN**

**CHRISTOPHER RUTO ..... PETITIONER**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant Christopher Ruto was convicted for the Offence of Defilement contrary to section 8(4) of the *Sexual Offences Act* and sentenced to serve fifteen (15) years imprisonment.
2. Being aggrieved by both conviction and sentence, he appealed to the High Court in HC. Criminal Appeal no. E010 of 2022.
3. On 8/11/2023, Judge Mrima dismissed the appeals, both on conviction and sentence.
4. The applicant has come back to the same court seeking review of his sentence on grounds that the court did not exercise its discretion in sentencing him to fifteen (15) years. He brought the application under Article 165 (3) of *the Constitution* that the court had the discretion in sentencing and not bound by mandatory sentences.
5. What the applicant raises now should have been raised in the appeal. Once the High Court made its decision, this court which is of concurrent jurisdiction with Judge. Mrima cannot hear the matter again. If the applicant is dissatisfied with the High Court’s` decision, he has a right of Appeal to the Court of Appeal which he should pursue. This application is misplaced and is hereby dismissed.

**DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 19TH DAY OF DECEMBER, 2024**

**R. WENDOH.**

**JUDGE.**



**Ruling delivered in open court in the presence of:**

Mr. Majale for the state

Applicant in person.

Juma- Court Assistant.

