



**Chirume v Republic (Miscellaneous Criminal Application
E235 of 2022) [2023] KEHC 1137 (KLR) (23 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1137 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E235 OF 2022**

A. ONG'INJO, J

FEBRUARY 23, 2023

BETWEEN

JIMMY IDDI CHIRUME APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Jimmy Iddi Chirume seeks that the court suspends the remaining part of his sentence to be served on probation. The applicant was convicted in Shanzu Principal Magistrate Court CR Case no 73 of 2016 and sentenced to serve life imprisonment on December 1, 2017 for the offence of defilement of a 6 years old boy.
2. In Mombasa High Court CR Appeal no 51 of 2018 the conviction was upheld but life sentence set aside and substituted with 30 years, for reason the offence was very serious but life imprisonment was not the most appropriate. Judgment in the appeal was delivered on January 29, 2019.
3. The grounds upon which applicant seeks review of his sentence is that his mitigation was not factored during sentence. The applicant in his mitigation said he wanted his witness to testify but judgment had already been delivered.
4. The prayer he seeks was cured by the judge in CR Appeal no 51 of 2018 when the judge substituted life sentence with 30 years for an offence he noted and termed as very serious.
5. I do find that the purpose for which sentence was imposed will not have been served as he has not even served 10 years since he was sentenced. Application dismissed.

DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 23RD DAY OF FEBRUARY 2023

HON LADY JUSTICE A ONG'INJO

JUDGE



In the presence of:-

Ogwel - Court assistant

Mr Ngiri for state

Applicant – present in person

Hon Lady Justice A Ong’ino J

23/02/2023

