



**KMC v Republic (Miscellaneous Criminal Application E180 of 2022)
[2023] KEHC 1138 (KLR) (23 February 2023) (Order)**

Neutral citation: [2023] KEHC 1138 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E180 OF 2022**

A. ONG'INJO, J

FEBRUARY 23, 2023

BETWEEN

KMC APPLICANT

AND

REPUBLIC RESPONDENT

ORDER

23/02/2023

Before Hon. A. Ong'injo J

Ogwel – Court Asst.

1. Applicant prays that this court adjusts his sentence after considering his mitigation. The applicant defiled his daughter on 2 occasions & she conceived and gave birth to a child – *DNA* confirmed the applicant as father of child. Because the daughter was under the age of 18 years, penalty should have been life imprisonment.
2. He was however charged under Section 8(3) of the *Sexual Offences Act* and sentenced to serve 20 years. The Judge in Appeal No 183 of 2015 found the sentence to be within the law. The applicant should serve & complete sentence.
3. Application dismissed.

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

HON. LADY JUSTICE A. ONG'INJO

JUDGE

