



REPUBLIC OF KENYA



**KENYA LAW**  
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**Kiiru v Republic (Criminal Revision 460 of 2022)  
[2023] KEHC 3744 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3744 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION 460 OF 2022**

**HM NYAGA, J**

**APRIL 27, 2023**

**BETWEEN**

**STEPHEN NJOROGE KIIRU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Stephen Njoroqe Kiiru, was charged and convicted of the offence of Defilement contrary to Section 8(1) as read with Section 8(3) of the *Sexual Offences Act*, 2006.
2. The particulars of the offence were that on June 15, 2018 at [Particulars Withheld] in Nakuru North District within Nakuru County, unlawfully and intentionally committed an Act by inserting his male genital organ namely penis into a female genital organ namely vagina of SNM a child aged 15 years' old which caused penetration.
3. On July 16, 2020, he was sentenced to twelve years' imprisonment.
4. The file has been placed before this court for Revision, under the ongoing decongestion exercise.
5. The purpose of the revisionary powers of the High Court is to correct manifest irregularities or illegalities and give appropriate directions. The High Court has supervisory powers over the subordinate courts and Tribunals.

Section 362 of the *Criminal Procedure Code* donates the power thus,

“The High Court may call for and examine the record of any Criminal proceedings before any Subordinate Court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court”.



Section 367 *Criminal Procedure Code* provides that

“when a case is revised by the High Court it shall certify its decision or order to the court by which the sentence or order so revised was recorded or passed and the court to which the decision of order is so certified shall thereupon make such orders as are conformable to the decision so certified, and, if necessary, the record shall be amended in accordance therewith”.

6. In this case, there are no grounds advanced to persuade this court to interfere with the sentence imposed by the Trial Court.
7. The sentence is lawful and the Applicant is therefore ordered to continue serving the same as imposed by the trial court.
8. Of course the applicant is at liberty to make a formal application/petition for re-sentencing or file an appeal against the conviction and sentence.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 27<sup>TH</sup> APRIL, 2023.**

**H. M. NYAGA**

**JUDGE**

**In the presence of:**

**C/A Jeniffer**

Ms Murunga for state

Applicant present

