



**Bonkoko v Republic (Miscellaneous Criminal Application
E161 of 2022) [2023] KEHC 22235 (KLR) (4 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22235 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CRIMINAL APPLICATION E161 OF 2022**

**A. ONG'INJO, J
AUGUST 4, 2023**

BETWEEN

RICHARD NYAKUNDI BONKOKO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was sentenced to serve 20 years jail term for preying on a 13 year old girl and impregnating her (Shanzu Criminal Case No. 32 of 2019).
2. In Mombasa H. C. Criminal Appeal No. 52 of 2018, the judge said she could not interfere with the sentence as the trial magistrate exercised his discretion.
3. The reason for meting out 20 years was so that people who prey on young girls are kept away from them and that the applicant was such a person.
4. Telling the court he wants to be released to go and take care of the complainant's child born because of defilement is sarcastic and despicable.
5. His application for right under section 333 (2) of the *Criminal Procedure Code* was already handled in the appeal where it was ordered that his sentence would run from March 13, 2017 when he was arraigned in court. That would mean he serves 2/3 of the sentence whereas the other 1/3 is remittable.
6. Application disallowed.

**DATED, SIGNED AND DELIVERED IN OPEN COURT/ONLINE THROUGH MS TEAMS,
THIS 4TH DAY OF AUGUST 2023
HON. LADY JUSTICE A. ONG'INJO
JUDGE**



In the presence of: -

Ogwel- Court Assistant

Mr. Ngiri for Respondent

Applicant present in person

HON. LADY JUSTICE A. ONG'INJO

JUDGE

