



**Mwakisagwo v Republic (Criminal Revision E004 of 2023)
[2023] KEHC 22766 (KLR) (28 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22766 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL REVISION E004 OF 2023
GMA DULU, J
SEPTEMBER 28, 2023**

BETWEEN

PAUL MANGI MWAKISAGWO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This is an application for revision of sentence, filed by way of Chamber Summons.
2. The applicant was convicted after trial for defilement contrary to section 8(1) as read with section 8(4) of the *Sexual Offences Act* and sentenced to ten (10) years imprisonment in Wundanyi Criminal Case No. 15 of 2015.
3. He has now come to this court for revision of sentence .
4. The application was canvassed through written submissions, and I have perused and considered the submissions filed by the applicant, as well as the submissions filed by the Director of Public Prosecutions.
5. I note that the applicant relies on several constitutional provisions such as article 165 and article 27 of *the Constitution* of Kenya. He has also relied on decided court cases and statutory law.
6. The Director of Public Prosecutions on his part opposes the application, and states that the applicant was infact lucky to have been sentenced to 10 years imprisonment, for an offence whose minimum statutory sentence is 20 years imprisonment.
7. I agree with the Director of Public Prosecutions that the minimum statutory sentence for the offence is 20 years imprisonment, and that the sentence pronounce is lenient.



8. Thus though the applicant claims in his request for review of sentence to be an old man, he should serve the lenient sentence pronounced, as the offence which he committed is a serious offence under the statute laws in this country.

9. To conclude, I find no merits in the application and dismiss the same.

DATED, SIGNED AND DELIVERED THIS 28TH DAY OF SEPTEMBER 2023 AT VOI VIRTUALLY.

GEORGE DULU

JUDGE

In the presence of:-

Nusura – Court Assistant

Applicant

Mr. Sirima for State

