

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

(CORAM: CHERERE- J.)

MISC.CR.APPL NO. E046 OF 2021

BETWEEN

JATTAN WAKO.....APPLICANT

AND

REPUBLIC.....RESPONDENT

JUDGMENT

- 1) On 16th June, 2016, Applicant was convicted for the offence of rape contrary to section 3(1)(b) as read with section 3 (3) of the Sexual Offences Act.
- 2) Applicant's appeals to the High Court and to the Court of Appeal vide **Meru High Court Criminal Case No. 58 of 2016** and **Criminal Appeal No. 32 of 2018** were dismissed and the 20-year sentence was upheld.
- 3) Applicant seeks resentence for resentence on the grounds among others that he has reformed.
- 4) Ms. Mwaniki, learned counsel for the state submitted that the sentence imposed on the Applicant is lawful and urged the court to uphold it.
- 5) The Supreme Court decision in **Francis Kariuki Muruatetu & Another v Republic & 5 others [2016] eKLR** does not apply to sexual offences. Consequently, the application for resentence is dismissed.

DELIVERED AT MERU THIS 04th DAY OF April 2022

WAMAE. T. W. CHERERE

JUDGE

In the presence of-

Court Assistant- Kinoti

Applicant - Present

For the State - Ms. Mwaniki