



**Anakai v Republic (Miscellaneous Application 64 of 2019)
[2022] KEHC 10307 (KLR) (24 June 2022) (Judgment)**

Neutral citation: [2022] KEHC 10307 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS APPLICATION 64 OF 2019**

WM MUSYOKA, J

JUNE 24, 2022

BETWEEN

JOSEPHAT MUKOYE ANAKAI APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. The undated application filed on 5th September 2019, principally seeks re-sentencing. The applicant had been convicted of defilement contrary to section 8(1) (4) of the *Sexual Offences Act*, No. 3 of 2006.
2. The High Court, in *Philip Mueke Maingi & others vs. Director of Public Prosecutions & another* Machakos HCPet. No. E017 of 2021 (Odunga J), has, on 17th May 2022, gave directions, with respect to mandatory sentences for sexual offences, akin to those given in *Francis Karioko Muruatetu & another vs. Republic* [2017] eKLR (Maraga CJ & P, Mwilu DCJ &VP, Ojwang, Wanjala, Njoki and Lenaola SCJJ).
3. To enable me exercise discretion in the matter in the manner ordered or directed in *Philip Mueke Maingi & others vs. Director of Public Prosecutions & another* Machakos HCPet. No. E017 of 2021 (Odunga J), I do hereby direct the Deputy Registrar to call for the trial records in Kakamega PMCCRC No. 58 of 2012.
4. The matter shall be mentioned on 29th July 2022. A production order shall issue. Copies of this ruling to be made available to the applicant and the Office of the Director of Public Prosecutions.

DELIVERED, DATED AND SIGNED AT KAKAMEGA ON THIS 24TH DAY OF JUNE 2022

WM MUSYOKA

JUDGE

Erick Zalo, Court Assistant.



Josephat Mukoye Anakai, the applicant, in person.

