



REPUBLIC OF KENYA



**Kiptoo v Republic (Criminal Petition 84 of 2019)
[2022] KEHC 10467 (KLR) (24 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10467 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CRIMINAL PETITION 84 OF 2019
WM MUSYOKA, J
JUNE 24, 2022**

BETWEEN

ISAIAH KIPTOO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Petition and Motion herein, undated, but filed herein on 22nd November 2019, principally seeks of sentence. The applicant had been convicted in Vihiga PMCCRC No. 155 of 2010, of review offence of defilement, contrary to section 8(1)(2) of the *Sexual Offences Act*, No. 3 of 2006, and was sentenced to life imprisonment.
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 Vihiga PMCCRC No. 155 of 2010 and Kakamega HCCRA No. 33 of 2013.
4. The matter arises from a criminal matter tried by the Vihiga Principal Magistrate's Court, and, therefore, the matter shall be transferred to the Vihiga High Court, to be mentioned there on 19th July, 2022. A production order shall issue out of the Vihiga cause. Copies of this ruling to be made available to the applicant and the Office of the Director of Public Prosecutions Vihiga.

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



WM MUSYOKA

JUDGE

Erick Zalo, Court Assistant.

Isaiah Kiptoo, the applicant, in person.

