



REPUBLIC OF KENYA



**Korir v Republic (Miscellaneous Application E004 of 2021)
[2022] KEHC 3114 (KLR) (24 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 3114 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS APPLICATION E004 OF 2021**

WM MUSYOKA, J

JUNE 24, 2022

BETWEEN

JULIUS KIPKEMBOI KORIR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Motion herein, dated 18th October 2021, principally seeks a rehearing of the matter for the purposes of sentence. The applicant had been convicted in Vihiga PMCCRC No. 1912 of 2003, of the offence of rape, contrary to section 3(1) of the *Sexual Offences Act*, No. 3 of 2006, and was sentenced to twenty years imprisonment.
2. The High Court, in *Philip Mueke Maingi & others v Director of Public Prosecutions & another* Machakos HCPet. No. E017 of 2021 (Odunga J), has, on 17th May 2022, given directions, with respect to mandatory sentences for sexual offences, akin to those given in *Francis Karioko Muruatetu & another v 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 v 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. 1912 of 2003 and Kakamega HCCRA No. 157 of 2011.
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.

Julius Kipkemboi Korir, the applicant, in person.

