



REPUBLIC OF KENYA



KENYA LAW
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**Liyai v Republic (Miscellaneous Application 69 of 2020)
[2022] KEHC 10305 (KLR) (24 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 10305 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
MISCELLANEOUS APPLICATION 69 OF 2020
WM MUSYOKA, J
JUNE 24, 2022**

BETWEEN

DOUGLAS LIYAI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The motion herein, undated, but filed on 25th November 2020, principally seeks re-sentencing. The applicant had been convicted of defilement contrary to section 8(1)(2)(3) 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 HC Pet No E017 of 2021 (Odunga J), has, on May 17, 2022, gave 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 vs. Director of Public Prosecutions & another](#) Machakos HC Pet No E017 of 2021 (Odunga J), I do hereby direct the Deputy Registrar to call for the trial records in Hamisi PMCCRC No 24 of 2018 and Kakamega HCCRA No 108 of 2009.
4. The matter arises from a criminal matter tried by the Hamisi 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.

Douglas Liyai, the applicant, in person.

