



**Malele v Republic (Miscellaneous Criminal Application
E021 of 2025) [2025] KEHC 1083 (KLR) (4 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 1083 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E021 OF 2025**

DR KAVEDZA, J

MARCH 4, 2025

BETWEEN

EMMANUEL MATEKA MALELE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of rape contrary to section 3(1) of the *Sexual Offences Act*, No. 3 of 2006. He was sentenced to serve 30 years imprisonment. His appeal before this court was partially allowed and the sentenced reduced to 15 years imprisonment.
2. He has filed the present application received on 3rd February 2025 seeking sentence review. The averments made in support of the application are that he is 74 years old and has spent considerable time in prison. He has rehabilitated. He is the breadwinner in his family. He urged the court to resentence him.
3. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined on 11th June 2024 by this court. In the circumstances, the right forum for the applicant is the Court of Appeal. As such, the application is dismissed. The applicant is directed not to file any other application without leave of court.

Order accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 4TH DAY OF MARCH 2025

D. KAVEDZA

JUDGE

