



REPUBLIC OF KENYA



**Republic v Bora (Criminal Review E112 of 2025)
[2025] KEHC 4791 (KLR) (14 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4791 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL REVIEW E112 OF 2025
RE ABURILI, J
APRIL 14, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

KALIMBO NYAWA BORA ACCUSED

RULING

1. The convict Kalumbo Nyawa Bora was sentenced to serve ten (10) years imprisonment for the offence of Sexual Assault on a child aged 8 years.
2. This was on 10/12/2020 vide Mombasa Chief Magistrate's court SO case no E042 of 2020.
3. He did not plead guilty.
4. The probation officer now requests vide a report dated 11/4/2024, for sentence revision, the convict to serve community service order.
5. It is unfortunate that probation officers are not sensitized on the law to appreciate that sexual offences are not amenable for negotiation or sentencing discretion under the law, noting that the sentences prescribed under the Act are mandatory minimums. The Supreme Court in *R v Joshua Gichuki Mwangi* (2023) eKLR expressly pronounced itself on the issue.
6. Accordingly, I find the request for sentence revision is not backed by the law.
7. It is declined and dismissed.
8. The Convict to serve full sentence.
9. The file is closed.
10. I so order.



DATED, SIGNED AND DELIVERED AT MOMBASA THIS 14TH DAY OF APRIL, 2025

R. E. ABURILI

JUDGE

