



REPUBLIC OF KENYA



**Republic v Juma (Criminal Revision E112 of 2025)
[2025] KEHC 4790 (KLR) (14 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4790 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL REVISION E112 OF 2025**

**RE ABURILI, J
APRIL 14, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

JOHANNES JUMA ACCUSED

RULING

1. The convict Johannes Jumba was on 14/2/2024 sentenced to serve five years imprisonment for the offence of defilement contrary to Section 8(1) as read with the Section 8 (3) of the [Sexual Offences Act](#) vide Mombasa Chief Magistrate’s court SO case no E028 of 2022.
2. The convict is aged 51 years.
3. He impregnated his victim who bore a child and the DNA test showed that he fathered the child out of the defilement.
4. The convict has a wife and children who were college going.
5. The convict had initially pleaded not guilty to the charge but he later changed plea and admitted committing the offence.
6. The guilty plea was confirmed by the DNA report dated 29/8/2023 produced as an exhibit.
7. The probation officer in his report dated 10/4/2025 recommends 2 years community service at Changamwe Chief’s Office.
8. Regrettably sexual offences do not qualify for non-custodial sentences as the law provides for mandatory minimum prison terms owing to the seriousness of the offences committed against the victims majority of whom are minors.
9. The supreme court in *R vs Joshua Gichuki Mwangi* (2023) eKLR pronounced itself on this point.



10. The probation officers should therefore be sensitized to appreciate that there can be no negotiation on sentencing in sexual offences.
11. Accordingly, I find that in this case the convict does not qualify for sentence revision.
12. The request for sentence Revision is declined and dismissed.
13. This file is closed.
14. I so order.

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

R. E. ABURILI

JUDGE

