



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Shahibu (Criminal Revision E109 of 2025)
[2025] KEHC 4794 (KLR) (14 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4794 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL REVISION E109 OF 2025**

RE ABURILI, J

APRIL 14, 2025

BETWEEN

REPUBLIC APPLICANT

AND

MOHAMMED SHAHIBU ACCUSED

RULING

1. The convict Mohammed Shahibu was on 24/11/2022 sentenced to serve seven (7) years imprisonment for the offence of defilement contrary to Section 8 (1) as read with Section 8 (4) of the [Sexual Offences Act](#) No. 3 2006 vide Mombasa Chief Magistrates Court S.O. case no E3120 of 2020.
2. The matter went to a full trial. This file is here for sentence revision.
3. I have perused the original court file. The minor victim of defilement was aged 13 years old.
4. Sexual offences carry mandatory minimum sentences and they do not qualify for sentence revision.
5. This is because the mandatory the mandatory sentences are lawful and constitutional and are meant to punish the sex predators who prey on innocent vulnerable children.
6. The supreme court in Petition no E018 of 2023 [Republic Versus Joshua Gichuki Mwangi](#) overturned the decision of the Court of Appeal which reduced the mandatory minimum sentence imposed on the convict in sexual offences by the lower court as upheld by the High Court.
7. For the above reasons, I find that the convict herein Mohamed Shahibu does not qualify for community service orders or for any other non-custodial sentence.
8. The request for sentence review is declined and dismissed.
9. This file is dismissed.



10. File is closed.

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

R. E. ABURILI

JUDGE

