



**Rotich v Republic (Criminal Application E001 of 2023)  
[2025] KEHC 4774 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4774 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KILGORIS  
CRIMINAL APPLICATION E001 OF 2023**

**CM KARIUKI, J**

**APRIL 4, 2025**

**BETWEEN**

**SIMEON KIPNGETICH ROTICH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. By way of Notice of Motion, the applicant seeks revision of a sentence of 20 years for offence for defilement under Section 8(1) (3) of the Sexual Offence [Act No. 3 of 2006](#).
2. The Application filed appeal in the High Court in which the High Court it held the sentence for 20 years was appropriate and Appeal was dismissed.
3. He now comes to this court to review the same sentence.
4. First this court cannot review sentence appealed against in High Court and affirmed.
5. Secondly, the supreme court in the case of Petition No. E018 of 2023 Republic VS Joshua Gichuki Mwangi, declared minimum mandatory sentence under Sexual Offence Act are constitutional.
6. This court cannot interfere with such sentences thus this court declines to reduce the sentence of 20 years award to the accused's application as it has no jurisdiction to do so.

**DATED, SIGNED, AND DELIVERED AT KILGORIS THROUGH MICROSOFT TEAMS  
ONLINE APPLICATION THIS 4<sup>TH</sup> DAY OF APRIL, 2025.**

**HON. CHARLES KARIUKI**

**JUDGE**

