



**Mwatuma v Republic (Miscellaneous Application E066 of 2022)  
[2025] KEHC 5827 (KLR) (9 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5827 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MALINDI  
MISCELLANEOUS APPLICATION E066 OF 2022**

**M THANDE, J**

**MAY 9, 2025**

**BETWEEN**

**RUA NGAO MWATUMA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant herein was charged in Kilifi Criminal Case No. 1015 of 2011 with the offence of defilement contrary to Section 8(1) and (3) of the *Sexual Offences Act*. He was sentenced to 20 years imprisonment. His Criminal Appeal No. 21 of 2012 in this Court was dismissed. Undeterred, he filed Criminal Appeal No. 70 of 2014 in the Court of Appeal.
2. The Applicant has filed an application in which he alleges that the Court of Appeal referred him back to this court for resentencing. He seeks that the period of 6 months he spent in custody be taken into account. He also seeks a review of his sentence and impose a lenient sentence. resentencing.
3. I have looked at the record and note that the Court of Appeal directed that the Applicant’s appeal which had been heard by a Judge lacking jurisdiction, be remitted to this Court for rehearing and not resentencing.
4. In light of the foregoing, the Court finds that the Application herein lacks merit and is hereby dismissed. The Applicant is at liberty to file amended grounds of appeal and submissions for hearing by this Court as directed by the Court of Appeal, which he shall do by 30.5.25. Mention on 22.7.25 for compliance.

**DATED, SIGNED AND DELIVERED IN MALINDI THIS 9<sup>TH</sup> DAY OF MAY 2025**

.....

**M. THANDE**



**JUDGE**

