



**SN v Director of Public Prosecutions (Miscellaneous Application E422 of 2024) [2025] KEHC 6265 (KLR) (Crim) (6 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6265 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CRIMINAL**

**MISCELLANEOUS APPLICATION E422 OF 2024**

**AM MUTETI, J**

**MAY 6, 2025**

**IN THE MATTER OF; ARTICLES 2(6) 22(1) , 23 (1), (3) (D) ,24 (1) (D), 2, (B),(C), (20) (1) (2) (3) (A),27 47,48,51 (1),159 (2) (A) ,165 (3) (B), (D) (I) (II),258 (1) 259(1) (A), (B) & (C) OF THE CONSTITUTION OF KENYA**

**2010**

**AND**

**IN THE MATTER OF ;4 (1) AND (2) OF THE PROBATION OF OFFENDERS ACT CAP 64 LAWS OF KENYA**

**AND**

**IN THE MATTER OF; CONSIDERATION OF UNITED NATIONS MINIMUM RULES OF NON CUSTODIAL MEASURES (THE TOKYO RULES) PARAGRAPH 2.**

**AND**

**IN THE MATTER OF CR CASE NO. E060 OF 2024 AT CHILDREN'S COURT AT MILIMANI**

**BETWEEN**

**SN ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... RESPONDENT**

***(ARISING FROM THE CRIMINAL'S CASE E060 OF 2024 AT CHILDREN'S COURT AT MILLIMANI)***



## RULING

1. The applicant seeks review of sentence under section 362-365 of the *Criminal Procedure Code*.
2. The applicant was charged with the offence of Subjecting a Child to Cruel Punishment Under Section 152(1) (a) of the *Children's Act* No. 29 of 2022.
3. The applicant was sentenced to serve 3 years imprisonment on a plea of guilty.
4. The applicant appeared before this court and informed the court the child she was accused of handling with cruelty had wronged her so she decided to punish the child.
5. The child was said to have been 8 years.
6. I do not think that from the submissions of the appellant that she has realized that what she did was of a criminal nature and she deserved punishment. The attitude of the applicant is that of a person who does not deserve the mercy of this court.
7. In any event the sentence imposed against her was legal, proper, regular and correct in law thus this court cannot in the circumstances exercise its power of revision in her favor.
8. The applicant did not appear remorseful and I agree with counsel for the prosecution that she deserves to serve the full time to deter her from such conduct in the future.
9. Consequently, the application is dismissed.
10. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 6<sup>TH</sup> DAY OF MAY 2025.**

**A. M. MUTETI**

**JUDGE**

