



**Kilonzo v Republic (Criminal Revision E020 of 2025)  
[2025] KEHC 7766 (KLR) (3 June 2025) (Judgment)**

Neutral citation: [2025] KEHC 7766 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MACHAKOS  
CRIMINAL REVISION E020 OF 2025**

**EN MAINA, J**

**JUNE 3, 2025**

**BETWEEN**

**NICHOLAS NDAMBUKI KILONZO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

1. What is before this court is an application for revision. The same is undated but it seeks an order for review of the sentence pursuant to Section 333(2) of the *Criminal Procedure Code*. It is the Applicant's case that the trial court did not take into account the period he spent in remand custody; that he had been in remand for nine months and 15 days.
2. I have now had opportunity to peruse the record of the lower court. The Applicant was sentenced to ten (10) years imprisonment for the offence of committing an indecent Act contrary to Section 11(1) of the *Sexual Offences Act*. His trial took place in Kangundo Chief Magistrate's court. He was sentenced on 26<sup>th</sup> February 2025 by the Hon. D.N. Sure (Principal Magistrate) and this is what the said learned magistrate stated: -

“Ruling

I have listened to what the accused is saying. I have considered the law and it provides a minimum sentence of 10 years. I have considered the circumstances of the offence, the psychological effect to PW1 and PW2 and I am of the view that a sentence of 10 years in jail will suffice. The sentence will start running from 20<sup>th</sup> May 2024.

D.N. Sure

14 days right of Appeal explained

Signed



D.N. Sure (P.M.)”(underlining mine)

3. It is clear from the above ruling that the trial court took into account the period the Applicant spent in remand. In the premises the application is without merit and it is dismissed.

Orders accordingly.

**JUDGMENT SIGNED, DATED AND DELIVERD VIRTUALLY ON THIS 3<sup>RD</sup> DAY OF JUNE 2025.**

**E.N. MAINA**

**JUDGE**

In the presence of:

Ms Kaburu for the State/Respondent

Applicant in person

Geoffrey – Court Assistant/Interpreter

