



**Munga v Republic (Criminal Revision E009 of 2024)
[2025] KEHC 8109 (KLR) (3 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8109 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
CRIMINAL REVISION E009 OF 2024**

JN NJAGI, J

JUNE 3, 2025

BETWEEN

ANDREW RUNYA MUNGA PETITIONER

AND

REPUBLIC RESPONDENT

RULING

1. The applicant has filed an undated application seeking for review resentencing imposed on him by the trial court.
2. The application is based on the ground that the applicant was convicted in March 2018 for the offence of defilement contrary to section 8(1) as read with section 8(4) of the *Sexual Offences Act* and sentenced to serve 15 years imprisonment. He was aggrieved by the conviction and the sentence and appealed at the High Court Malindi. The appeal was dismissed by Justice Nyakundi on the 18th March 2021. The applicant has now come back to this court with the application referred to above.
3. The application is based on the ground that the applicant has served more than 7 years of his sentence including the time spent in custody during trial. He contends that this should be considered as enough punishment.
4. The applicant says that he has been of good behavior while in prison custody and is fully reformed. That he was a first offender at the time that he was convicted. That he is married with 4 children. That he suffers from hypertension and is under medication.
5. The application was opposed by the Respondent on the ground that the same was not merited.
6. I have considered the application and the objection thereto. The applicant is seeking for review of sentence. I have noted that the applicant herein appealed against the sentence and the same was declined by Justice Nyakundi in 2021. The same having been declined by a Judge of equal jurisdiction as the



Judge herein, it would be an abuse of the court process for this court to go back to same case to review the sentence. The Applicant has not cited any illegality in the sentence to warrant review by this court. That the Applicant has served half the sentence or that he is reformed is not a ground for review of the sentence.

7. The upshot is that the application herein is declined.

DELIVERED, DATED AND SIGNED AT GARSEN THIS 3RD DAY OF JUNE 2025

J. N. NJAGI

JUDGE

In the presence of:

Ms Mkongo for the Respondent

Accused: present in person at G.K. Prison

Court Assistant - Ndonye

