



**Gwage v Republic (Criminal Revision E065 of 2025)
[2025] KEHC 10100 (KLR) (14 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10100 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E065 OF 2025**

**DR KAVEDZA, J
JULY 14, 2025**

BETWEEN

NELSON GWAGE APPLICANT

AND

REPUBLIC RESPONDENT

(Being an application for sentence review against the sentence imposed by the trial court on 28th November 2023 in Sexual Offences Case No. 77 of 2018)

RULING

1. The applicant was charged and after a full trial convicted for the offence of rape contrary to section 3(1)(a)(b) of the *Sexual Offences Act*. He was sentenced to serve five years imprisonment.
2. He filed the present application seeking sentence review. The grounds raised are that the time spent in custody has been sufficient rehabilitation. He urged the court to grant a non-custodial sentence.
3. From the record, I note that the applicant was convicted and sentenced on 28th November 2023. In my considered view, the period of less than less than 2 years served is not sufficient, as the applicant has yet to serve a substantial portion of the sentence.
4. In view of the foregoing, it is my finding that the applicant is not eligible for early release. The application is dismissed for lacking in merit.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 14TH DAY OF JULY 2025

D. KAVEDZA



JUDGE

