



REPUBLIC OF KENYA



**Mutai v Republic (Criminal Miscellaneous Application E023 of 2025)
[2025] KEHC 12610 (KLR) (16 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12610 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAROK
CRIMINAL MISCELLANEOUS APPLICATION E023 OF 2025
CM KARIUKI, J
SEPTEMBER 16, 2025**

BETWEEN

PAUL KIPKEMOI MUTAI ALIAS CHEMOSE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant's Application dated 5/6/2025 is for Sentence Review under Section 361 of the Criminal Procedure Code Cap 75 Law of Kenya.

Background:

2. The Accused/Applicant was charged with the offence of attempted defilement contrary to section 9 (1) and 9 (2) of the *Sexual Offences Act* No. 3 of 2006 in that on 22/03/2021 at [Particulars Withhld] Village, Sogoo Location, Narok South Sub County within Narok County attempted to defile G.C.R. a child aged 7 years.
3. He denied the charge and the matter into full trial.
4. The Applicant was convicted and after mitigation, he was sentenced to serve 4 years. The charge under Section 9 (1) as read with Section 9 (2) prescribes a minimum sentence of 10 years which this court can enhance sentence to the four (4) years was awarded was very lenient, but prosecution did not seek to review or appeal against the same. Under Supreme Court Decision this court cannot review the sentence downward as its set. The minimum sentence which can be awarded is 10 years. Applicant is very lucky no appeal or review was preferred.
5. Thus, this court dismisses the application and closes the file. Meanwhile the order will be served upon the prosecution and the prison holding Applicant for their records.



**DATED, SIGNED, AND DELIVERED AT NAROK THROUGH TEAMS APPLICATION, THIS
16TH DAY OF SEPTEMBER 2025**

.....

CHARLES KARIUKI

JUDGE

