



**Sitienei v Republic (Criminal Revision 99 of 2024)
[2024] KEHC 5077 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5077 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 99 OF 2024**

DR KAVEDZA, J

MAY 7, 2024

BETWEEN

JAMES KIPLIMO SITIENEI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of defilement contrary to section 9 (1) (2) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve nine (9) years imprisonment. He has filed the present application seeking revision of sentence.
2. The grounds raised are that the court failed to consider the time spent in pretrial custody. Since his incarceration, he has reformed. He is remorseful and has rehabilitated.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality, I note that before sentencing, the trial court called for and considered the pre-sentencing report. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed.

RULING DATED AND DELIVERED VIRTUALLY THIS 7TH DAY OF MAY 2024

D. KAVEDZA

JUDGE

