



**Okoyo v Republic (Criminal Revision E015 of 2023)  
[2024] KEHC 8410 (KLR) (15 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8410 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION E015 OF 2023  
DR KAVEDZA, J  
JULY 15, 2024**

**BETWEEN**

**WYCLIFF ONGONGO OKOYO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged for the offence of defilement contrary to Section 8(1) as read with 8(2) of the *Sexual Offences Act*, No. 3 of 2006 in Kibera Chief Magistrate’s Court Sexual Offences Case no. 49 of 2015. He was sentenced to life imprisonment. His appeal to this court was dismissed in its entirety.
2. The applicant has now filed the present application seeking sentence review. The averments made are that he has been incarcerated for 8 years now and has undergone rehabilitation programs offered in prison He is remorseful and urged the court to review his sentence.
3. I have considered the application, the averments in support and the applicable law. The issue for consideration is whether this court should grant the orders sought.
4. The Court of Appeal, in *Bernard Kimani Gacheru vs. Republic* [2002] e-KLR stated that:

“It is now settled law, following several authorities by this Court and by the High Court, that sentence is a matter that rests in the discretion of the trial court. Similarly, sentence must depend on the facts of each case. On appeal, the appellate court will not easily interfere with sentence unless, that sentence is manifestly excessive in the circumstances of the case, or that the trial court overlooked some material factor, or took into account some wrong material, or acted on a wrong principle. Even if, the Appellate Court feels that the sentence is heavy and that the Appellate Court might itself not have passed that sentence, these alone are not



sufficient grounds for interfering with the discretion of the trial court on sentence unless, anyone of the matters already states is shown to exist.”

5. 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. The sentence imposed was also legal in the circumstances of the case.
6. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 15<sup>TH</sup> DAY OF JULY 2024**

.....

**D. KAVEDZA**

**JUDGE**

