



**Sambu alias Thiondo v Republic (Criminal Revision E002 of 2023)  
[2024] KEHC 9084 (KLR) (24 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 9084 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KILGORIS  
CRIMINAL REVISION E002 OF 2023**

**F GIKONYO, J**

**JULY 24, 2024**

**BETWEEN**

**SAMWEL SAMBU ALIAS THIONDO ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

**Time spent in custody**

1. The applicant had filed several applications before the court. On May 8, 2024, he withdrew the other applications in favour of this one; and limited it only consideration of time spent in custody in his sentence.
2. The record shows that he was arraigned in court on February 27, 2018 and was granted bond on March 14, 2018 of Kshs. 200,000 with one surety of similar amount. But, it appears he did not raise the bond. He remained in custody. He was convicted and sentenced on 24.5.2019. He filed appeal KISII HCCRA number 50 of 2019 which was dismissed by the court (Kimani J) who noted that sentence provided in section 3(3) of the *Sexual Offences Act* is; not less than ten years but which may be enhanced to imprisonment for life'. And, the judge concluded that:  
  
‘The sentence is thus lawful and neither harsh nor excessive’.
3. The circumstances and the manner in which the offence was committed; penetration by force and use of threats to kill the victim is ruffian and utter cruelty. Such offence leaves the victim with post-traumatic effects which completely detracts from the dignity and worth of the person. Therefore, the sentence of 11 years imposed on the applicant was too lenient, spending the purport of section 333(2) of the *CPC*.
4. In the upshot, this revision application by the applicant is dismissed.



**DATED, SIGNED, AND DELIVERED AT KILGORIS THROUGH MICROSOFT TEAMS  
ONLINE APPLICATION THIS 24<sup>TH</sup> DAY OF JULY , 2024.**

.....

**HON. F. GIKONYO M.**

**JUDGE**

In the presence of:

C/A – Mr. Leken

Mr. Okeyo for ODPP - Present

The Appellant - Present

