



**Ali v Republic (Miscellaneous Criminal Application E110 of 2024)
[2024] KEHC 12077 (KLR) (8 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12077 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E110 OF 2024**

**DR KAVEDZA, J
OCTOBER 8, 2024**

BETWEEN

MOHAMMED ALI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of sexual assault contrary to section 5(1)(a)(2) of the *Sexual Offences Act*, No. 3 of 2006. He was sentenced to serve ten (10) years imprisonment. His appeal to the High Court was dismissed.
2. He has filed the present application dated July 13, 2024 seeking revision of sentence. The grounds raised are that he has served a substantial term of his sentence. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
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. 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.
5. The application dismissed for lacking in merit.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 8TH OCTOBER 2024



D. KAVEDZA
JUDGE

