



REPUBLIC OF KENYA



KENYA LAW
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**Kidamba v Republic (Criminal Revision E053 of 2024)
[2024] KEHC 12083 (KLR) (8 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12083 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E053 OF 2024
DR KAVEDZA, J
OCTOBER 8, 2024**

BETWEEN

STEPHEN KIDAMBA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of defilement contrary to section 8(1) as read with 8(3) of the *Sexual Offences Act*, no. 3 of 2006. He was sentenced to serve twenty-five (25) years imprisonment.
2. He has filed the present application seeking sentence review. The grounds raised are that he has spent a considerable amount of time in prison. He has been rehabilitated and the time spent in remand custody was not considered.
3. I have considered the application, the proceedings of the trial court and the applicable law. From the record, the learned trial magistrate did not also recognize that the Applicant was a first offender. The court gave more weight to the seriousness of the charge and the need to pass a deterrent sentence. In so doing I find that the learned trial magistrate overlooked material factors which dictated a less severe sentence than the one imposed.
4. In those circumstances I find that the sentence of 25 years imprisonment was excessive. I allow the application for sentence review and set aside the sentence of 25 years imprisonment and substitute it with a sentence of twenty (20) years to run from July 25, 2015 the date of the applicant's arrest pursuant to section 333(2) of the *Criminal Procedure Code*.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 8TH DAY OF OCTOBER 2024



D. KAVEDZA
JUDGE

