



REPUBLIC OF KENYA



**Kamau v Republic (Criminal Revision Application E051 of 2023)
[2023] KEHC 3244 (KLR) (20 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3244 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL REVISION APPLICATION E051 OF 2023**

M MUYA, J

APRIL 20, 2023

BETWEEN

SAMMY NJENGA KAMAU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of defilement contrary to Section 8 (1) as read together with section 8 (3) of the *Sexual Offences Act* No 3 of 2006
2. After full hearing and determination he was convicted and sentenced to serve 20 years imprisonment. The application before the court is for re-sentencing.
3. This application for re-sentencing is not opposed I have duly perused the lower court proceedings and Judgment. It is evident that the victim and the applicant (a student and a teacher) had a steamy and continuous sexual relationship. At the time of the first act of defilement the victim was aged 13 years old.
4. The charge sheet reads that on diverse dates between the months of November 2014 to August 10, 2015 the accused intentionally caused his penis to penetrate the vagina of EW, a child aged 13 years and eleven months. It is evidently clear that the complainant was very active sexually. It is unfortunate that her parents did not notice this at an early stage so as to take remedial measures.
5. I concur with the learned Principal prosecution counsel that this is a good case for resentencing.
In line with the current jurisprudence espoused by the court of appeal in the court of Appeal case of *Joshua Gichuki Mwangi versus R* Criminal Appeal No 84 of 2015
6. I allow this application for re-sentencing. The appellant's sentence of twenty years imprisonment is reduced to ten years.



He is accordingly sentenced to ten years imprisonment from the time of Conviction and Sentence.

Ruling delivered dated and signed at Nyeri in open court this April 20, 2023.

HON. JUSTICE MARTIN M. MUYA

JUDGE

In the presence of:

In person: Applicant

Mrs Mutiso :Respondent

Court Assistant: Kinyua

30 days R/A

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