



REPUBLIC OF KENYA



KENYA LAW
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**M'Mwongo v Director of Public Prosecution (Petition E072 of 2023)
[2023] KEHC 3562 (KLR) (20 April 2023) (Judgment)**

Neutral citation: [2023] KEHC 3562 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
PETITION E072 OF 2023
TW CHERERE, J
APRIL 20, 2023**

BETWEEN

JAMES MWITI M'MWONGO PETITIONER

AND

DIRECTOR OF PUBLIC PROSECUTION RESPONDENT

JUDGMENT

1. Petitioner was convicted for the offence of rape contrary to section 3(1)(a) as read with section 3(3) of the [Sexual Offences Act](#) and was sentenced to 20 years' imprisonment.
2. Petitioner's appeal to the High Court vide Meru HCCRA No 120 of 2015 was dismissed and the conviction and sentence were confirmed.
3. A person charged and convicted of rape is liable to a sentence of between 10 years to life imprisonment. Petitioner not only raped the complainant but also inserted a knife I her private parts.
4. In my considered view, the trial magistrate was lenient with the Petitioner and he has no reasonable cause to complain. The sentence imposed on the Petitioner is lawful and I do not see any reason to interfere with it. The petition for resentence is thus disallowed.

DELIVERED AT MERU THIS 20TH DAY OF APRIL 2023

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistant - Kinoti

Petitioner - Present



For DPP - Ms. Rita (PC-1)

