



**Koech v Republic (Miscellaneous Criminal Application E069 of 2022)  
[2023] KEHC 18703 (KLR) (21 June 2023) (Judgment)**

Neutral citation: [2023] KEHC 18703 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
MISCELLANEOUS CRIMINAL APPLICATION E069 OF 2022**

**HK CHEMITEI, J**

**JUNE 21, 2023**

**BETWEEN**

**RODGERS KIBET KOECH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**JUDGMENT**

1. The applicant was convicted and subsequently sentenced to 20 years' imprisonment for the offence of defilement by the Chief Magistrate Court in Molo. Being aggrieved by the said decision, the applicant appealed to the High Court and the sentence imposed by the lower court was reduced to 15 years. Thereafter, the applicant filed an appeal to the Court of Appeal which he later withdrew.
2. The application before this court seeks to have this court substitute the sentence of imprisonment currently being served by the applicant with a probation sentence. The said application was supported by the affidavit of the applicant.
3. In his submission, the applicant pleaded for leniency by this court following the provisions of Articles 27(1), (2) and 50(2)(p) and (q) of the *Constitution* of Kenya 2010. The applicant submitted that he had embraced fully the rehabilitative programs offered at the correction facility; he was undertaking a carpentry and joinery course and was waiting to complete grade 111. The applicant submitted that he was remorseful and requested for another chance in life. That he also had a young family which he left with their mother but she however had been charged with murder so the children were on their own. He prayed for lenient sentence that will enable him to reunite with his family and community.
4. The respondent did not file any response to the application or submissions on the same.
5. The court has perused the record and it is apparent that the applicant defiled the complainant who was a minor. The import of punishment as provided in our statute books is to try as much as possible



ameliorate the suffering of the victims. Also, it is meant to somehow compensate the victim or family of the victim by having the perpetrator punished.

6. The offence the applicant was charged with is a serious one and the sentence in my view, acts as a deterrent to persons who would want to commit such offences. In addition, the high court was lenient in reducing the applicant's years of imprisonment to 15 years from 20 years which he had only served 3 years and some months.
7. In the premises, this court finds that the applicant's application lacks merit and it is hereby dismissed.

**Dated signed and delivered at Nakuru via video link this 21<sup>st</sup> day of June, 2023.**

**H. K. CHEMITEI**

**JUDGE**

