



**Ndatho v Director of Public Prosecution (Criminal Revision  
E074 of 2023) [2023] KEHC 20451 (KLR) (20 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20451 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
CRIMINAL REVISION E074 OF 2023  
TW CHERERE, J  
JULY 20, 2023**

**BETWEEN**

**MUTUA NDATHO ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... RESPONDENT**

**RULING**

1. Applicant was charged with the offence of defilement of an 8-year-old child contrary to section 8(1) as read with section 8(2) of the [Sexual Offences Act](#) (the Act), and was sentenced to 10 years' imprisonment
2. Applicant's appeal Meru HCCR.Appeal No. 21 of 2020 was dismissed on August 20, 2010 and the sentence was upheld.
3. I have considered the application for revision. Whereas applicant was liable to life imprisonment, the trial magistrate imposed a lenient sentence of only 10 years.
4. I find as did the appeal court that the sentence was appropriate in light of the predatory behavior of the applicant towards the child.
5. I am not convinced that review is merited. And this application is thus dismissed.

**DATED AT MERU THIS 20<sup>TH</sup> DAY OF JULY 2023**

**WAMAE. T. W. CHERERE**

**JUDGE**

**Appearances**

Court Assistant - Morris Kinoti

Applicant - Present in person



For DPP - Ms. Rita (PC-1)

