



**Kareyo v Republic (Miscellaneous Criminal Application
E003 of 2023) [2023] KEHC 23177 (KLR) (5 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23177 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
MISCELLANEOUS CRIMINAL APPLICATION E003 OF 2023**

**RB NGETICH, J
OCTOBER 5, 2023**

BETWEEN

MOSES KAKUKYO KAREYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. From the application filed on the 11th day of April 2020 by applicant herein, he was charged with defilement of a girl contrary to section 8(1) as read with section 8(2) of the *Sexual Offences Act*.
2. He was sentenced to life imprisonment by the Trial Court. The applicant has indicated that he filed appeal in Eldoret High Court being HCRA No 65 of 2011 wherein the appeal was dismissed and sentence imposed by Trial Court upheld by the High Court.
3. The applicant has informed this Court that his appeal is pending in the Court of Appeal. The applicant now seeks review of sentence upheld by a Court with concurrent jurisdiction as this Court.
4. Whereas I agree with decision of the Court of Appeal in Malindi Criminal Appeal No12 of 2021 Between *Julius Kitsao Manyeso vs Republic* that life sentence is unconstitutional, I do not have jurisdiction to review sentence upheld by my colleague.
5. I hereby advise the applicant to pursue appeal in Court of Appeal or seek review by Court of Appeal. This file is marked as closed.

RULING DELIVERED, DATED AND SIGNED IN VIRTUALLY AT KABARNET THIS 5TH DAY OF OCTOBER 2023.

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RACHEL NGETICH



JUDGE

