



**O alias R v Republic (Miscellaneous Criminal Appeal E067 of 2024)
[2024] KEHC 12074 (KLR) (9 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12074 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPEAL E067 OF 2024**

DR KAVEDZA, J

OCTOBER 9, 2024

BETWEEN

RO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of sexual assault contrary to section 5(1)(a)(2) of the *Sexual Offences Act*, No. 3 of 2006. He was sentenced to serve twenty (20) years imprisonment. His appeal to the High Court was dismissed. His appeal to this Court was dismissed.
2. He has filed the present application seeking revision of sentence. The grounds raised are that he has served a substantial term of his sentence. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court.
5. The application dismissed for lacking in merit.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 9TH OCTOBER 2024

D. KAVEDZA

JUDGE

