



**Nganga v Republic (Miscellaneous Criminal Application E063 of 2024)
[2024] KEHC 13554 (KLR) (4 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13554 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E063 OF 2024**

**DR KAVEDZA, J
NOVEMBER 4, 2024**

BETWEEN

GEOFFREY NJAU NGANGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted of the offence of defilement contrary to section 8(1) as read with 8(2) of the *Sexual Offences Act*. He was sentenced serve fifteen (15) years imprisonment.
 2. He had previously filed an application to this Court seeking sentence review. In this particular application, his fifteen (15) year sentence was affirmed, but was reduced by one (1) year, ten (10) months and twenty-nine (29) days, which was the period he had spent in custody.
 3. The present application was received on 31st May 2024, where the applicant prayed for an award of absolute discharge, stating that he had served a sufficient part of his sentence from the date of arrest which was 7th January, 2017. Additionally, he averred that he was a first offender and he was remorseful.
 4. 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, I find that the sentence imposed was legal in the circumstances of the case.
 5. In view of the aggravation circumstances during the commission of the offence, the applicant is to serve his sentence to completion.
 6. The application dismissed for lacking in merit and abuse of the court process.
- Orders accordingly.



RULING DATED AND DELIVERED VIRTUALLY THIS 4TH DAY OF NOVEMBER 2024.

D. KAVEDZA

JUDGE

