



**Misheck v Republic (Miscellaneous Criminal Application
16 of 2024) [2024] KEHC 15459 (KLR) (6 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15459 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION 16 OF 2024**

**DR KAVEDZA, J
DECEMBER 6, 2024**

BETWEEN

ANTONY EMWAYI MISHECK APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted of the offence of attempted defilement contrary to section 9(1) as read with section 9(2) of the [Sexual Offenses Act](#). He was sentenced serve fifteen (15) years imprisonment.
2. He filed the present application on 19th February 2024, where the applicant prayed that his conviction and sentence would be quashed, stating that the prosecution failed to prove their case beyond reasonable doubt.
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, I find that the sentence imposed was proper in the circumstances of the case.
4. In view of the aggravation circumstances during the commission of the offence, the applicant is to serve his sentence to completion.
5. The application hereby dismissed for lacking in merit.

RULING DATED AND DELIVERED VIRTUALLY THIS 6TH DAY OF DECEMBER 2024

D. KAVEDZA



JUDGE

