



**Nzomo v Republic (Miscellaneous Criminal Application E042 of 2024)
[2024] KEHC 15172 (KLR) (2 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 15172 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E042 OF 2024**

**DR KAVEDZA, J
DECEMBER 2, 2024**

BETWEEN

JOHN MUTINDA NZOMO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted of the offence of defilement contrary to section 8(1) as read with section 8(4) of the [Sexual Offences Act](#) No. 3 of 2006. He was sentenced to twenty (20) years imprisonment.
2. He has filed the present application received on 29th April 2024 seeking revision of sentence imposed. The grounds raised are consolidated as follows; 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, it is my finding that 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 2ND DAY OF DECEMBER 2024

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D. KAVEDZA



JUDGE

