

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MAKUENI

HCCR REV. NO. E001 OF 2020

PATRICK MUTUA SALU.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. Before me is an application by way of Chamber Summons for review of sentence, relying on the jurisprudence in **Kisumu Criminal Appeal No. 202 of 2011 – Christopher Ochieng –vs- Republic (2018) eKLR** in which the Court of Appeal applied the reasoning in the Supreme Court in **Muruatetu Case petition No. 15 of 2015** to the mandatory or minimum sentences in sexual offences.
2. The applicant herein was convicted of incest in Makindu Criminal Case No. 1138 of 2013 and sentenced to life imprisonment, and his appeal to the High Court in Makueni High Court Criminal Appeal No. 130 of 2017 was dismissed, but a conviction for defilement was substituted.
3. The applicant has now come to this court through the present application to consider review of his sentences as stated above.
4. The application will not succeed, as the Supreme Court Koome CJ, Mwilu DCJ, Ibrahim, Wanjala, Lenaola, Njoki Ndungu and Ouko SCJJ on 6/7/2021 issued specific directions that the jurisprudence in the **Muruatetu** case only relates and applies to mandatory death sentences for murder contrary to section 203 as read with section 204 of the Penal Code and does not extend to any other cases of mandatory or minimum sentences.
5. The present application therefore does not satisfy the requirements for consideration of sentence review by this court. It is unmerited and I dismiss the same.

DELIVERED, SIGNED & DATED THIS 1ST DAY OF DECEMBER 2021, IN OPEN COURT AT MAKUENI.

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GEORGE DULU

JUDGE