

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAPENGURIA

CRIMINAL DIVISION

MISCELLANEOUS CRIMINAL APPLICATION NUMBER 3 OF 2019

PETER LOMOKETILO LOSABU.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

CORAM: LADY JUSTICE RUTH N. SITATI

RULING

1. Upon reading the application as filed and upon hearing parties' submissions on the same, I find that the applicant's application for review of sentence is not merited. In the first place, the sentence passed by the Trial Court is a lawful sentence. The sentence is also a strict sentence.
2. Further, sentencing under the Sexual Offences Act, No. 3 of 2006, is still the subject of debate and until the debate is concluded, this court shall not interfere with the sentence imposed by the Trial Court and confirmed by both the High Court and the Court of Appeal.
3. The application is hereby dismissed.

Ruling delivered, dated and signed in open court here at Kapenguria on this 12th Day of March, 2019.

RUTH N. SITATI

JUDGE

In the Presence of:-

Applicant – present in person.

Ms Kiptoo for State

Mr. Juma - Court Assistant