



REPUBLIC OF KENYA



KENYA LAW
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**Manguyu v Republic (Miscellaneous Application E029 of 2022)
[2025] KEHC 14094 (KLR) (23 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 14094 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAROK
MISCELLANEOUS APPLICATION E029 OF 2022
CM KARIUKI, J
SEPTEMBER 23, 2025**

BETWEEN

SARUNI MANGUYU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with offence of defilement Contrary to Section 8 (2) as read with Section 8 (3) of the Sexual Offence Act No. 3 of 2006 Law of Kenya. He was convicted and sentenced to life imprisonment. He filed Appeal Criminal No. 20 of 2017 at Nakuru but the same was dismissed. He says his second Appeal in Court of Appeal was dismissed. He came to this court for re-sentencing and also credit of the period he was in remand pending conviction under Sec. 333 (2) of the Criminal Procedure Code Cap 75 Laws of Kenya.
2. It is now law that this court cannot interfere with sentence which is prescribed by the law to be minimum sentence. Section 8 (2) prescribed that a person who commits an offence of defilement with a child aged 11 years or less shall upon conviction be sentenced to imprisonment for life.
3. The Supreme Court in the case of Joshua Gichuki Mwangi Petition No. E018 of 2023 confirmed that the minimum prescribed sentence for this case for example 11 years cannot be reduced. Thus, this court cannot change life sentence to any other sentence as law and above Supreme Court decision has prohibited it.
4. On credit via Section 333 (2) of Criminal Procedure Code for the period he was in custody. The same cannot apply in this case as the life sentence is defined into a quantified number 8 years. That the court rejects the application, dismisses the same and closes the file.

**DATED AND DELIVERED THROUGH MICROSOFT TEAMS AT KILGORIS THIS 23RD DAY
OF SEPTEMBER, 2025**



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CHARLES KARIUKI
JUDGE

