



**Kachila v Republic (Miscellaneous Application E008 of 2025)  
[2025] KEHC 14591 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14591 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
MISCELLANEOUS APPLICATION E008 OF 2025  
RB NGETICH, J  
OCTOBER 15, 2025**

**BETWEEN**

**MUNYOTO KACHILA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged with offence of defilement contrary to section 8(1) as read with section 8(4) of the penal code. Particulars are that on 17<sup>th</sup> June 2021 at [particulars withheld] village Kositei location in Tiaty west subcounty within Baringo county. accused intentionally and unlawfully caused his genital organs (penis to penetrate the genital organ (Vagina) of a female child named C.N aged 17 years.
2. Upon conviction, he was sentenced to 15 years imprisonment and he now seeks revision of sentence so as to serve probation sentence as per section 362 of the CPC and article 50(2)(p) of *the constitution*.
3. The applicant in his ground in support of the application stated that he was 19 years old at the time of conviction and has 2 children of tender age who solely rely on him and they continue to suffer due to his incarceration and further that his parents are old and his father is sickly suffering from diabetic and blood pressure and is in a wheel chair. He says he has no pending appeal against conviction or sentence.
4. Ms. Chepkulul for the applicant informed the court that the applicant withdrew appeal which he had filed in Eldoret court of appeal. The prosecution counsel prayed for social inquiry be don and report filed.

**Social Inquiry Report**

5. The local administration indicate that the applicant made grave mistake in committing the offence but the community at large are no objection review of his sentence. He attributed the offence to negative



peer pressure but the applicant hard working and serious in his studies and the community had high hopes in him. He said the victim is married and has move to Nginyany and her family relate well with the accused's family. He said both victim and her family have no issue with applicant and are not opposed to review of his sentence.

### **Determination**

6. This application invokes the Court's revisionary powers under Sections 362 and 364 of the Criminal Procedure Code, which empower the Court to review sentences that are illegal, improper, or founded on error.
7. Sentencing serves multiple objectives, including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation (Judiciary Sentencing Policy Guidelines, 2023). In this case, rehabilitation and reintegration appear paramount, given the Applicant's progress in prison and family responsibilities.
8. I note from the report that the victim, victim's family and local administration are not opposed to applicant's sentence being reviewed. The local administrator talked well of the applicant and I also note that the community had high expectation of the applicant. I also note that the applicant was 19 years at the time of the offence and the complainant was 17 years old. in view of the favourable report given, I am inclined to revise applicant's sentence.

### **Final Orders: -**

- a. The sentence imposed on the Applicant is hereby revised.
- b. Applicant to serve 3 years' probation sentence.
- c. The prison authorities shall ensure that arrangements are made for the Applicant to complete the training and sit the examination.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 15<sup>TH</sup> DAY OF OCTOBER, 2025.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

Ms. Bartilol for State.

Applicant present.

CA, Momanyi.

