



**Kiiru v Republic (Criminal Revision E099 of 2025)
[2025] KEHC 13610 (KLR) (2 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13610 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E099 OF 2025**

DR KAVEDZA, J

OCTOBER 2, 2025

BETWEEN

NICHOLUS KIIRU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of attempted defilement contrary to section 9(1) as read with section 9(2) of the *Sexual Offences Act*, No. 3 of 2006. In the alternative, he was charged with the offence of committing an indecent act with a child contrary to section 11(1) of the same Act. After a full trial, he was convicted and sentenced to serve ten (10) years imprisonment on the main charge. His appeal against conviction and sentence was dismissed by this court.
2. He filed the present undated application seeking sentence review. The grounds raised are that trial court failed to consider the time spent in remand custody during computation of sentence.
3. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. This court is therefore functus officio. The right forum for the applicant is the Court of Appeal.
4. In the circumstances, the application is dismissed.

Order accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 2ND OCTOBER 2025

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D. KAVEDZA

JUDGE

