



**Macharia v Republic (Criminal Revision E015 of 2025)
[2025] KEHC 14378 (KLR) (13 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14378 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E015 OF 2025
DR KAVEDZA, J
OCTOBER 13, 2025**

BETWEEN

SAMUEL NJUGA MACHARIA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant herein was charged before the lower court with the offence of defilement contrary to section 8(1)(3) of the *Sexual Offences Act*, No 3 of 2016. He was sentenced to serve 25 years imprisonment. His appeal against conviction and sentence was dismissed.
2. He has filed the present application dated 10th September 2025 seeking sentence review. The averments made in support of the application are that the time spent in custody has been sufficient rehabilitation. He prayed for a non-custodial 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 13TH DAY OF OCTOBER 2025

D. KAVEDZA

JUDGE

