



**Kidemi v Republic (Criminal Revision E222 of 2024)  
[2025] KEHC 15007 (KLR) (22 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15007 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E222 OF 2024  
HI ONG'UDI, J  
OCTOBER 22, 2025**

**BETWEEN**

**KEVIN KIDEMI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Kevin Kedemi the applicant herein was charged and convicted of the offence of defilement contrary to section 8(1) as read with section 8(4) of the [Sexual Offences Act](#) No. 3 of 2006. He was on 24<sup>th</sup> September, 2024 sentenced to serve fifteen (15) years imprisonment which is the mandatory minimum sentence provided for under section 8(4) of the [Sexual Offences Act](#).
2. In his undated Notice of Motion the applicant wishes to have his sentence reduced and the balance of the sentence to be served out of prison.
3. The lower court file Nakuru MC S.O No. E086 of 2022 is before me. It shows that the applicant was arrested on 21<sup>st</sup> September, 2022 and was presented to court on 22<sup>nd</sup> September, 2022. He was then released on bond on 17<sup>th</sup> October, 2022. He was therefore in remand for 25 days before his release on bond. He was convicted on 30<sup>th</sup> August, 2024 and sentenced on 24<sup>th</sup> September, 2024. He has not challenged his conviction and sentence by filing an appeal. His main issue is on the mandatory minimum sentence.
4. This issue was dealt with by the Supreme Court in the case of Republic V Joshua Gichuki Mwangi Petition No. E018 of 2023 [2024] KESC 34 (KLR) whose Judgment was delivered on 12<sup>th</sup> July, 2024. In this case the Supreme Court held that the mandatory minimum sentences under the [Sexual Offences Act](#) are constitutional and the courts must impose them unless and until they are declared unconstitutional. Also see Charles & Another V Republic (Criminal Appeal No. 38 of 2019) [2024]



(Judgment) [2024] KECA 1902 (KLR) where the Court of Appeal dealt with the same issue while referring to the Supreme Court decision in Republic V Joshua Gichuki Mwangi (supra).

5. This court is bound by the decision of the two superior courts. I cannot therefore interfere with the lawful sentence passed by the trial court under section 8(4) of the *Sexual Offences Act*.
6. The upshot is that the application lacks merit and is hereby dismissed. The period of twenty-five (25) days the applicant was in custody prior to his release on bond to be taken into account by the prison authorities in computing the sentence to be served by the applicant.
7. Orders accordingly

**DELIVERED VIRTUALLY, DATED AND SIGNED THIS 22<sup>ND</sup> DAY OF OCTOBER, 2025 IN OPEN COURT AT NAKURU.**

**H. I. ONG'UDI**

**JUDGE**

