



**Mukhasia v Republic (Miscellaneous Criminal Application  
E033 of 2025) [2025] KEHC 15295 (KLR) (17 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15295 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
MISCELLANEOUS CRIMINAL APPLICATION E033 OF 2025**

**WM MUSYOKA, J  
OCTOBER 17, 2025**

**BETWEEN**

**JEREMIAH MUKHASIA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant herein had been charged, in Busia CMCCRC No. 1320 of 2011, with incest, contrary to section 20(1) of the Sexual Offences Act, Cap 63A, Laws of Kenya, was convicted and sentenced to serve life in prison. He filed an appeal, in Busia HCCRA No. 44 of 2012. The appeal was dismissed. He moved to the Court of Appeal, in Kisumu CACRA No. 22 of 2019, to challenge the outcome in Busia HCCRA No. 44 of 2012. The second appeal was equally dismissed.
2. He has now come back to the High Court, to seek reduction of the sentence, apparently riding on a portion of the judgement of the Court of Appeal, where it had been noted that he had raised the issue, of the constitutionality of the sentence, for the first time at the Court of Appeal.
3. The matter of the constitutionality of the life sentence has been determined with finality by the Supreme Court, in Republic vs. Manyeso [2025] KESC 16 (KLR) (Mwilu, DCJ&VP, Ibrahim, Wanjala, Ndung'u & Lenaola, SCJJ), and Republic vs. Ayako [2025] KESC 20 (KLR)(Mwilu, DCJ&VP, Ibrahim, Wanjala, Ndung'u & Lenaola, SCJJ), were it has been ruled that the sentences prescribed in various penal statutes, including the *Sexual Offences Act*, with respect to death, life imprisonment and statutory minimums, were lawful and constitutional.
4. In view of that, there would be no jurisdiction for me to re-visit the matter. The application, before me, cannot, therefore, be merited. After all, 2 appellate courts handled appeals on the sentence, and saw no reason to consider reducing the same.



5. The Deputy Registrar shall cause a certified copy of this ruling to be made available to the applicant, for information, through the officer commanding the prison where he is serving sentence. Thereafter, this file shall be closed. Orders accordingly.

**DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA, ON THIS 17<sup>TH</sup> DAY OF OCTOBER 2025.**

**W MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.

Mr. Jeremiah Mukhasia, the applicant, in person.

Advocates

Mr. Tony Onanda, instructed by the Director of Public Prosecutions, for the respondent.

