



**Kimanzi v Republic (Criminal Revision E170 of 2024)
[2025] KEHC 16804 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16804 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL REVISION E170 OF 2024
WM KAGENDO., J
NOVEMBER 13, 2025**

BETWEEN

DENNIS WILLIAN KIMANZI APPLICANT

AND

THE REPUBLIC RESPONDENT

(ARISING FROM MOMBASA Criminal Case No. SO.1207 of 2014)

RULING

1. The Applicant herein seeks a revision of the sentence imposed in Criminal Case No. SO.1207 of 2014 for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the [Sexual Offences Act](#) No. 3 of 2006, before the Chief Magistrate’s Court at Mombasa, in which he was sentenced to life imprisonment.
2. The Applicant first lodged an appeal before Justice Majanja, which was dismissed, thereby upholding the trial court’s sentence of life imprisonment.
3. Subsequently, the Applicant filed Petition No. 251 of 2019 before the High Court, where Justice Ogola partially allowed the petition and reduced the sentence from life imprisonment to forty (40) years.
4. The Applicant confirms that he has no further intention to appeal and has no pending appeal before any court. He therefore seeks a review of sentence.
5. The Applicant relies on Article 50(2)(p) of [the Constitution](#) of Kenya, 2010, which guarantees the right to benefit from the least severe sentence applicable, including the right to seek review where appropriate.
6. The Court further is guided by the Supreme Court’s jurisprudence, including Republic v Joshua Gichuki Mwangi (Petition E018 of 2023), which reaffirmed the constitutionality and continued operation of mandatory minimum sentences in sexual offences. The Supreme Court also highlighted



the legislative importance of minimum sentences and the need for consistency in their application. Furthermore, in *R v Ayako*, the Supreme Court clarified that a sentence of life imprisonment means imprisonment for the natural life of the offender.

7. The Court further observes that a court cannot review or vary a sentence imposed by another court of concurrent and equal jurisdiction. A review mechanism cannot be used to reopen, disturb, or alter a sentence already affirmed on appeal within the judicial hierarchy.
8. Lastly Justice Ogola, in reducing the sentence to 40 years, considered the Applicant's mitigation. The judge however noted the aggravating circumstances remain substantial: The victims were extremely young—two aged nine and a half (9½) years and one aged twelve (12). The Applicant's conduct demonstrated a deliberate pattern of preying on young girls.
9. The offences had severe physical, psychological, and emotional effects on the victims.
The Court finds that the Applicant is not yet fit to rejoin society, and there exists no assurance that he would desist from similar conduct if released. Continued incarceration is essential for the protection of young girls.
10. Although the Court would have been inclined to enhance the sentence, such enhancement is not permissible because the Applicant was not accorded a hearing, as required under Section 364 of the Criminal Procedure Code.
11. In view of the foregoing, the application for sentence review has no legal merit and cannot succeed.

Orders

1. That the Application for sentence review be and is hereby dismissed.
2. That the sentence of forty (40) years imposed by Justice Ogola shall remain in force.
3. That the Applicant retains the right to pursue any lawful remedy available under *the Constitution* and applicable statutes

**DATED SIGNED AND DELIVERED THIS 13TH DAY OF NOVEMBER 2025 WENDY KAGENDO
JUDGE**

HIGH COURT OF KENYA MOMBASA

In The Presence Of;

The Applicant In Person

Mr Ngiri For The State

Ms Bebora Court Assistant

