



**Maina v Republic (Miscellaneous Criminal Application E162 of 2025)  
[2025] KEHC 16878 (KLR) (17 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16878 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E162 OF 2025  
DR KAVEDZA, J  
NOVEMBER 17, 2025**

**BETWEEN**

**SAMUEL HWUAI MAINA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and, after a full trial, convicted by the Subordinate Court of the offence of defilement contrary to section 8(1) as read with 8(4) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to serve twenty-five (25) years' imprisonment. His appeal in Criminal Appeal No. E035 of 2024 was dismissed on 20<sup>th</sup> May 2025.
2. The applicant has filed the application seeking sentence review. The grounds raised are that the time spent in custody has been sufficient rehabilitation. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to 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 17<sup>TH</sup> DAY OF NOVEMBER 2025**

**D. KAVEDZA**

**JUDGE**

