



REPUBLIC OF KENYA



KENYA LAW
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**Malingu v Republic (Criminal Revision 42 of 2025)
[2025] KEHC 16155 (KLR) (7 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16155 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 42 OF 2025
DR KAVEDZA, J
NOVEMBER 7, 2025**

BETWEEN

BONEX BWIRE MALINGU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened for purposes of considering whether the convict Bonex Bwire Malingu is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7th December 2022.
2. Before the trial court, the applicant was convicted for 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 sentenced to serve sixteen (16) years imprisonment.
3. From the record, the applicant has served eight years of the custodial term imposed. I have carefully considered the sentence review report prepared by the probation officer.
4. Having gone through the circumstances precluding the applicant's conviction, it is evident that the offence is serious, thus, the applicant is not suitable for early release or a non-custodial sentence. In my view, the applicant should serve his sentence to completion both to reinforce rehabilitation and the seriousness of the offence.
5. Accordingly, I find that the applicant is not eligible for early release. The application lacks merit and is hereby dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 7TH DAY OF NOVEMBER 2025

D. KAVEDZA



JUDGE

