

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
CRIMINAL REVISION NO. E054 OF 2025

HASSAN WAMI SAID APPLICANT

VERSUS

REPUBLIC.....
.....RESPONDENT

RULING.

1. The applicant was charged before the lower court with the offence of defilement contrary to section 8(1)(2) of the Sexual Offences Act and sentenced to life imprisonment. He appealed to the High Court, Nairobi, vide Criminal Appeal No. 52 of 2013, which was dismissed, and subsequently to the Court of Appeal, Nairobi, vide Criminal Appeal No. 105 of 2019, which was also dismissed.
2. The applicant now seeks sentence review, contending that he has undergone rehabilitation and prays to serve the remainder of his sentence under probation.
3. This court has considered the application, the grounds in support, and the applicable law. The trial court had taken into account the applicant's mitigation, time spent in remand custody, and his status as a first offender. The sentence imposed was both legal and appropriate.
4. Being functus officio, this court has no jurisdiction to alter the sentence imposed by the trial court, especially after appeals have been dismissed by both the High Court and Court of Appeal.
5. In the circumstances, the application is dismissed for lack of merit.

**Ruling dated and delivered virtually this 11th day of
November 2025**

D. KAVEDZA
JUDGE

ORIGINAL