



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Rotich v Republic (Criminal Revision E060 of 2025)  
[2025] KEHC 17392 (KLR) (26 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17392 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL REVISION E060 OF 2025  
RB NGETICH, J  
NOVEMBER 26, 2025**

**BETWEEN**

**SIMON ROTICH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant, Simon Rotich was charged with the offence of Rape contrary to Section 3(1) of the *Sexual Offences Act* No.3 of 2006. Particulars are that on 31<sup>st</sup> Day of December, 2020 at around 2200hrs at [Particulars Withheld]e in Baringo North Sub-county within Baringo County, the accused intentionally and unlawfully caused his penis to penetrate the vagina of RW without her consent in contravention of the said Act.
2. The applicant denied the charge and upon hearing, by judgment delivered on 28<sup>th</sup> day of March 2024, the applicant was convicted and on 24<sup>th</sup> April 2024, he was sentenced to 10 years imprisonment.
3. When the matter came up for hearing on 19<sup>th</sup> November 2025, the applicant said he was remaining with 2 years to complete sentence. The prosecution counsel opposed prayer for revision of sentence on ground that the offence is serious and the applicant has only served 18 months and the offence is rampant in the region; that deterrent sentence is given to deter others. Further, that from the report, the applicant is not remorseful as he still denies the offence. Even after being found guilty.

**Social Inquiry Report**

4. From the report, the victim is opposed to review of sentence on ground that she has not fully healed from the ordeal. She stated that the offence has affected her psychologically, emotionally and physically. She said as a result of the offence, she has lost her marriage and her husband has developed mental



illness. She further said at the time the applicant was on bond, he used to threaten her and she has developed fears towards him and prays that he completes sentence in prison.

5. The local administrator said the applicant is well known to him and that he used to work as motor rider. He says the offence is serious and he would not want to comment.
6. Report from prison indicates that the applicant is learning Carpentry and Beads work and that he has completed Bible classes but is yet to graduate. They recommend that he be left in prison to complete training he is undertaking so that the skills may help him once released.
7. The applicant says he was framed by victim's wife because he had been in a relationship with her.

### **Analysis And Determination**

8. This application invokes the Court's revisionary powers of the High Court under Sections 362 and 364 of the Criminal Procedure Code, which empower the Court to review sentences that are illegal, improper, or founded on error.
9. Sentencing serves multiple objectives, including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation as provided by Judiciary Sentencing Policy Guidelines, 2023.
10. From the report the applicant the applicant still denies the offence. He has been in prison for 18 months out of the 10 years sentence. He has taken advantage of incarceration to learn skills which may help him when released.
11. The victim is still bitter. She significantly suffered from the sexual assault and from her report, her life has not been the same again. She also indicated that the applicant used to threaten her while on bond and it instilled fear in her.
12. Taking into consideration the fact that the offence committed is serious and the negative report, I am of the view that this matter is not suitable for revision of sentence. I therefore decline to revise.
13. Final Orders: -Application for revision of sentence is declined.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 26<sup>TH</sup> NOVEMBER, 2025.**

.....

**RACHEL NGETICH**  
**JUDGE**

In the presence of:

Ms. Bartilol for State.

Applicant - present.

Court Assistants - Elvis/Momanyi.

