

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KIBERA
MISC. CRIMINAL APPLICATION NO. E010 OF 2026

FRANCIS MUTEMI MUTONGOI.....APPLICANT

VERSUS

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

RULING.

1. The applicant herein was charged before the lower court with the offence of Incest Contrary to section 20 (1) on Count I and Committing an Indecent Act with a child Contrary to Section 11 (1) of the Sexual Offences Act No. 3 of 2006. He was sentenced to serve life imprisonment. The applicant, being dissatisfied, filed an appeal at Milimani Law Courts vide HCCRA No.70 of 2019, which was dismissed. He similarly filed a Miscellaneous application No. 104 of 2024 before Hon. D. Kavedza, where the sentence imposed was substituted to thirty years imprisonment.
2. He has filed the present application dated 19th January 2026 seeking sentence review. The averments made in support of the application is sentence review with a minimum sentence of 10 years.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant's mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view of the foregoing, I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed for lacking in merit.

**Ruling dated and delivered virtually this 17th day of
February 2026**

**D. KAVEDZA
JUDGE**

ORIGINAL