



REPUBLIC OF KENYA



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

**Njoroge v Republic (Criminal Revision E042 of 2025)
[2026] KEHC 1665 (KLR) (11 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1665 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
CRIMINAL REVISION E042 OF 2025**

JN NJAGI, J

FEBRUARY 11, 2026

BETWEEN

LEONARD NJUGUNA NJOROGE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant has filed an undated application seeking review of his sentence of 35 years imprisonment. The application is supported by the affidavit of the Applicant in which he deposes that he was sentenced by the magistrate to serve life imprisonment for the offence of defilement contrary to section 8(1) as read with subsection 8(2) of the *Sexual Offences Act*. That he appealed to the High Court and his appeal was dismissed. He filed a second appeal and the sentence was reduced to 35 years imprisonment. He has now come back to this court seeking for review of the said sentence.
2. The grounds in support of the application are that he is aged 60 years and that he has as of now served 8 years of the sentence imposed on him. That he is suffering from ulcers which has caused his health to deteriorate while in prison custody. That he had a family which he was the bread winner. That he has been of good behaviour while in prison custody and has undergone different rehabilitation programmes.
3. It is the contention of the Applicant that this court has jurisdiction under Article 50(2) (b) of *the Constitution* to determine the review application. That the Supreme Court in the case of Francis Karioko Muruatetu gave guidelines for re-sentencing.
4. I have considered the application. It has to be noted in the first place that the principle in Muriatetu case is only applicable in murder cases and not any other type of cases. Moreso, Article 50(2)(b) of *the Constitution* is not relevant in this case.



5. The sentence of 35 years to which the Applicant is seeking review of was imposed by the Court of Appeal. By hierarchy of courts, this court has no jurisdiction to review the judgment of the Court of Appeal.

6. In view of the foregoing, I do not find any merit in the application and same is dismissed.

DELIVERED, DATED AND SIGNED AT GARSEN THIS 11TH DAY OF FEBRUARY, 2026.

J. N. NJAGI

JUDGE

In the presence of:

Mr. Oluoch for Respondent

Applicant present virtually at GK prison Malindi

Court Assistant - Jumaa

