



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MACHAKOS**  
**MISC. CRIMINAL APPL. NO. E007 OF 2026**

**SIMON KIPKURUI KIMORI .....APPLICANT**

***VERSUS***

**REPUBLIC .....RESPONDENT**

**RULING**

The application is not merited. The Applicant appealed to the High Court and the appeal was dismissed and the sentence of the lower court was upheld. This court has no jurisdiction to either review or set aside a judgment of a court of concurrent jurisdiction. The Applicant’s recourse lies in an appeal or application for review to the Court of Appeal.

Moreover, the sentences in the **Sexual Offences Act** are minimum sentences which this court has no jurisdiction to reduce – see the case of **Republic v Julius Kitsao Manyeso (Petition E013 of 2024) [2025] KESC 16 (KLR) (11 April 2025) (Judgment)**.

The application is therefore dismissed.

Case closed.

**Ruling signed, dated and delivered virtually on this 23<sup>rd</sup> day of April 2026.**

**E. N. MAINA  
JUDGE**

**IN THE PRESENCE OF:**

Mr. Masila for the State

Applicant in person at Kamiti Prison

Tecla - Court Assistant/Interpreter