



REPUBLIC OF KENYA



KENYA LAW
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**Juma v Republic (Miscellaneous Criminal Application
E031 of 2025) [2026] KEHC 6389 (KLR) (12 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 6389 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
MISCELLANEOUS CRIMINAL APPLICATION E031 OF 2025**

AK NDUNG'U, J

MAY 12, 2026

BETWEEN

PETER WANYONYI JUMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before this court is a Notice of Motion by the Applicant seeking the following orders
 - a. That I am a convicted prisoner at Kitale Medium Prison of S.O case file Number 196 of 2017 (Sic). I was convicted and sentenced to serve 20 years imprisonment for the offence of defilement/c/section 8(1) and 8(3) of the S.O.A No 3 of 2006. Its my request to the honourable court to serve the remaining sentence on probation
2. The application was based on the following grounds as captured verbatim:
 1. That I was charged and convicted for the offence of defilement c/section 8(1) and 8(4) of the S.O.A No 3 of 2006 and sentenced to 20 years imprisonment at CM's court in Eldoret.
 2. That the applicant later on appealed to the High Court at Eldoret vide appeal No 36 of 2020 of which the twenty (20) years sentence was replaced by thirteen (13) sentence starting from the date of conviction which was on 17.8.2018
 3. That I don't dispute the sentence imposed on me but only the fact that Section 333(2) of the CPC was not adhered to, for the sentence to run form the date of arrest which was on 7/10/2017 as prayed herein and to be released on probation for the remaining sentence under section 4(1) (a) of the probate of offenders at cap 64 of the Laws of Kenya
 4. That I have undergone various courses while in prison and obtained various awards of which I am ready to produce before the court of law



5. I do regret what transpired hence I am now repentant, humble and remorseful
6. Further grounds to be adduced during the hearing and determination of this kind of application
3. The application is supported by an affidavit in which the Applicant depones that:-
 - a. He was sentenced to serve 20 years imprisonment for the offence of defilement. Further, that he prays for a non-custodial sentence.
4. I have considered the application and grounds relied upon of determination is whether the court has jurisdiction to entertain this application.
5. This matter was dealt with by Wendo J and followed up by orders of Githinji J. who was categorical in his ruling dated 17.6.2021 which he was very clear that the jurisdiction of this court is vested on the matter being heard by Wendo J who reduced the sentence from 20 years to 13 years.
6. Any issue that ought to have been in issue ought to have been raised then, I have no jurisdiction to review the orders of Wendo J neither by Githinji J.
7. The Applicant's recourse if at all, is before the court of appeal. The Application is dismissed. The ruling be served on the Applicant and the DPP.

Dated, Signed and delivered at Eldoret this 12th day of May 2026.

A.K NDUNG'U

JUDGE

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