



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Nyaboe v Republic (Criminal Revision E005 of 2025)  
[2025] KEHC 2211 (KLR) (31 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 2211 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E005 OF 2025  
WA OKWANY, J  
JANUARY 31, 2025**

**BETWEEN**

**ELIJAH MONG'ARE NYABOE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates' Court at Keroka, Criminal Case No. MCCR E056 of 2022 by Hon. E.K. Nyutu Chief Magistrate on 8th August 2024)*

**RULING**

1. The Applicant was convicted for the offence of defilement contrary to Section 8 (1) as read with Section 8 (4) of the [Sexual Offences Act](#) No. 3 of 2006. The trial court sentenced him to pay a fine of Kshs. 200,000/= or to serve two (2) years' imprisonment in default. The Applicant has served three (3) months of his sentence and is remaining with 14 months after remission, to complete the sentence. The Sentence Review Report filed on 13<sup>th</sup> January 2025 by the Probation Officer Mr. Mpaera Lerionka Johnstone recommends a non-custodial sentence. I hereby direct that the Applicant shall serve a Community Service Order at Mecheo Chief's Camp under the supervision of the area Assistant Chief Mr. Peter Ogoti for the remainder of his sentence.
2. Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 31<sup>ST</sup> DAY OF JANUARY 2025.**

**W.A. OKWANY**

**JUDGE**

