



**FAN v Republic (Criminal Revision 173 of 2024)
[2025] KEHC 3738 (KLR) (26 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3738 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 173 OF 2024
DR KAVEDZA, J
MARCH 26, 2025**

BETWEEN

FAN APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was opened for purposes of considering whether the convict FAN is suitable for consideration of his sentence review in the spirit of prison decongestion pursuant to the Chief Justice Memo dated 7th December 2022.
2. The applicant was convicted of the offense of defilement contrary to section 8(1) as read with section 8(3) of the *Sexual Offences Act* No. 3 of 2006. He was sentenced to five years imprisonment.
3. From the records in the trial court file, it is evident that the complainant was 14 years old at the time the offence was committed. Following a full trial, the applicant was sentenced to five years' imprisonment, with the trial court taking into account the period he had already spent in pre-trial custody. Upon reviewing the circumstances surrounding the applicant's conviction, it is clear that the nature of the offense is serious.
4. In the premises, I find that the applicant does not qualify for early release under the decongestion program.

RULING DATED AND DELIVERED VIRTUALLY THIS 26TH MARCH 2025.

**D. KAVEDZA
JUDGE**

