



**Afunga v Republic (Miscellaneous Criminal Application
E060 of 2025) [2025] KEHC 5112 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5112 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E060 OF 2025**

DR KAVEDZA, J

APRIL 29, 2025

BETWEEN

JOEL AYOWI AFUNGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of committing an indecent act with a child contrary to section 11(1) of the [Sexual Offences Act](#), No. 3 of 2006. He was sentenced to serve ten (10) years imprisonment.
2. He has filed the present undated application received on 24th March 2025 seeking revision of sentence. The grounds raised are that he is the sole breadwinner in his family who have suffered since his incarceration. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant's mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 29TH APRIL 2025

D. KAVEDZA

JUDGE

