



**Mulwa v Office of the Director of Prosecutions Voi (Criminal Revision  
E115 of 2024) [2025] KEHC 7496 (KLR) (30 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7496 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT VOI  
CRIMINAL REVISION E115 OF 2024  
AN ONGERI, J  
MAY 30, 2025**

**BETWEEN**

**KYALO MULWA ..... APPLICANT**

**AND**

**OFFICE OF THE DIRECTOR OF PROSECUTIONS VOI ..... RESPONDENT**

**RULING**

1. The Applicant was sentenced to life imprisonment by the trial court for the offence of defilement contrary to Section 8(1) as read with Section 8(2) of the *Sexual Offences Act* No. 3 of 2006.
2. He appealed to the High Court at Voi and his Appeal No. 46 of 2016 was dismissed.
3. The Appellant is seeking review of his sentence on the basis of sickness.
4. This court has no jurisdiction to entertain this application.
5. If the Applicant has been heard on appeal, there is no provision for review of the sentence on any grounds.
6. The Applicant, having been convicted and sentenced to life imprisonment for the offence of defilement under Section 8(1) as read with Section 8(2) of the *Sexual Offences Act* No. 3 of 2006, and having exhausted his right of appeal before the High Court at Voi where his appeal was dismissed, now seeks a review of his sentence on the grounds of sickness.
7. However, this court lacks jurisdiction to entertain such an application. Once an appeal has been heard and determined, there exists no legal provision under Kenyan law that permits a further review of the sentence on any grounds, including medical circumstances.



8. The proper recourse for the Applicant, if he seeks relief on the basis of his health condition, lies before the Mercy Committee, which is constitutionally mandated to consider such exceptional cases for possible pardon or commutation of sentence under the prerogative of mercy.
9. Consequently, the application for revision is devoid of merit and is hereby dismissed.
10. The Applicant is advised to pursue the appropriate remedy before the relevant body as indicated.

**DATED, SIGNED AND DELIVERED THIS 30<sup>TH</sup> DAY OF MAY, 2025 IN OPEN COURT AT VOI.**

**ASENATH ONGERI**

**JUDGE**

In the presence of:-

Court Assistant: Millicent

