



**Agessa v Republic (Criminal Revision E129 of 2025)  
[2025] KEHC 11246 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11246 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION E129 OF 2025**

**DR KAVEDZA, J  
JULY 29, 2025**

**BETWEEN**

**EDWARD KISANYA AGESSA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The appellant was charged with the offence of attempted defilement contrary to section 9(1) as read with section 9(2) of the *Sexual Offences Act*, No. 3 of 2006. After a full trial, he was convicted and sentenced to serve ten (10) years imprisonment. His appeal before this court was dismissed on 30<sup>th</sup> September 2024 in *Kibera High Court Criminal Appeal No. 146 of 2023*.
2. He has filed the present application dated 5<sup>th</sup> June 2025 seeking revision of sentence. The grounds raised are that he is the sole breadwinner in his family. Since his incarceration, his family has suffered psychological trauma. 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. From the record, the applicant filed an appeal against his conviction and sentence which was heard and determined by this court. This court is therefore *functus officio*. The right forum for the applicant is the Court of Appeal.
4. In the circumstances, the application is dismissed.

Order accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 29<sup>TH</sup> DAY OF JULY 2025**

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**D. KAVEDZA**



**JUDGE**

