



**Araka v Republic (Miscellaneous Criminal Application  
E126 of 2025) [2025] KEHC 11250 (KLR) (29 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 11250 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E126 OF 2025**

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

**BETWEEN**

**FRANK MASANTI ARAKA ..... APPELLANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and after a full trial convicted for the offence of rape contrary to section 3(1)(a)(b)(3) of the *Sexual Offences Act* No. 3 of 2006. Consequently, he was sentenced to serve eight and a half years imprisonment. His appeal before this court was dismissed in Criminal Appeal No. 104 of 2023 delivered on 30th day of September 2024.
2. He filed the present undated application seeking sentence review. The averments made are that the sentence imposed was harsh and excessive. He has been rehabilitated and before his conviction he was a first offender. He urged the court to revise the sentence imposed.
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**

**D. KAVEDZA**

**JUDGE**

