



REPUBLIC OF KENYA



KENYA LAW
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**Malema v Republic (Criminal Revision 60 of 2024)
[2024] KEHC 6155 (KLR) (27 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6155 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 60 OF 2024**

DR KAVEDZA, J

MAY 27, 2024

BETWEEN

CHARLES ASIGO MALEMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and after a full trial convicted for the offence of defilement contrary to section 8(2) of the *Sexual Offences Act*, No. 3 of 2006. He was sentenced to serve life imprisonment. He filed an appeal challenging his conviction and sentence vide High Court Criminal Appeal No. 20 of 2020. This resented him to serve 10 years imprisonment.
2. The applicant has now filed the present application seeking a further re-sentencing. The grounds raised are that the term of sentence served has been adequate. He urged the court to substitute it with a none custodial sentence due to his advanced age.
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 27TH DAY OF MAY 2024

D. KAVEDZA



JUDGE

