



REPUBLIC OF KENYA



**Mwamunga v Republic (Criminal Appeal 229 of 2017)
[2022] KEHC 11462 (KLR) (26 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 11462 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL APPEAL 229 OF 2017**

A. ONG'INJO, J

MAY 26, 2022

BETWEEN

SAMSON MADZAO MWAMUNGA APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. This court has considered the sentence revision report dated 18th May 2022 and the fact that the appellants 7 children and his late sisters 5 orphaned children have been turned into beggars and some dropped from school after his wife left them with their elderly grandmother and finds that it is fit to revise the sentence to 3 years probation to alleviate the suffering of the said children.
2. The Appellant to adhere to terms and conditions of the probation sentence, failure to which he will be committed back to prison to serve the remainder to 5 years.

**RULING DELIVERED, DATED AND SIGNED THR' ONLINE TEAMS THIS 26TH DAY OF
MAY 2022**

HON. LADY JUSTICE A. ONG'INJO

JUDGE

In the presence of: -

Ogwel- Court Assistant

Appellant – Present in person

Ms. Kambaga for Respondent

Hon. Lady Justice A. Ong'injo

Judge

