

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CRIMINAL REVISION CASE NO. E228 OF 2021

PATRICK MWENDA.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The accused was convicted for the offence of grievous harm contrary to Section 234 of the Penal Code and sentenced to imprisonment of 3 years on 26th November 2020. In support of his revision, the Probation Officer /Community Service Orders Officer, Tigania recommends placement on community service at Kiguchwa Dispensary.
2. The DPP has opposed the revision citing gravity of the offence and the serious injuries inflicted on the complainant by the accused.
3. The particulars of offence were that the accused “did grievous harm to Benard Kiriungi by chopping off his left hand near the wrist joint.” There was evidence by the Police medical examination form, the P3, that the complainant suffered “deep cut wound” on the head approximately 7cm and “amputated left hand at wrist joint” and “deep cut wound on the left foot about 10cm.”
4. I would agree that the injuries were grievous and the attack savage and the offender in fact, got a lenient sentence of 3 years imprisonment compared to a possible sentence of life imprisonment under section 234 of the Penal Code.

ORDERS

5. Accordingly, for the reasons set out above, the revision of sentence is declined.

Order accordingly.

DATED AND DELIVERED THIS 25TH DAY OF NOVEMBER 2021.

EDWARD M. MURIITHI

JUDGE

Appearances:

Patrick Mwenda, the Applicant in person.

Ms Nandwa, Prosecution Counsel for the Respondent.