



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**CRIMINAL REVISION NO.8 OF 2020**

**ELIJAH WAGURA GITONGA**

**GEOFFREY MAINA MURAGURI.....APPLICANTS**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Revision of the Original Sentence dated 08.03.2019 in Nanyuki Criminal Case No.910 of 2018 – N. Thuku, PM)*

**23/03/2020**

Before Justice H P G Waweru

In Chambers

**ORDER ON REVISION**

1. The 1<sup>st</sup> Convict herein, ELIJAH WAGURA GITONGA, was on 08.03.2019 sentenced to 3 years imprisonment on each of three counts (concurrent) of Stealing contrary to Section 268(1) and 275 of the Penal Code; Conspiracy to Defraud contrary to Section 317 of the penal code; and Personation contrary to Section 382(1) of the Penal Code.
2. The 2<sup>nd</sup> Convict, GODFREY MAINA MURAGURI, was on 21.01.2020 sentenced to 1 ½ years, six (6) months and 1 ½ years imprisonment (concurrent) respectively for the offences of conspiracy to Defraud contrary to Section 317 of the Penal Code; Personation contrary to Section 382(1) of the Penal Code; and obtaining money by false pretences contrary to Section 313 of the Penal Code.
3. I note that the convict Godfrey Maina Muraguri is an elderly man in his 70s. I also note that the convict Elijah Wagura Gitonga was a son of the complainant and that he pleaded guilty to the offences. He has now served already over a year of his sentences. Having examined the record of the trial court, and because of the current Coronavirus (COVID – 19) crisis in our country, and in exercise of the Powers of this court under Article 159(2) of the Constitution and Section 362 and 364 of the Criminal Procedure Code, I hereby set aside the sentences imposed by the trial court and substitute therefor for each count and for each convict the time already served (Concurrent).
4. Both convicts shall therefore be set at liberty forthwith unless otherwise lawfully held. It is so ordered.

**DATED AT NANYUKI THIS 23<sup>RD</sup> DAY OF MARCH, 2020**

**H.P.G. WAWERU**

**JUDGE.**

**DEPUTY REGISTRAR**

**NANYUKI HIGH COURT**