



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
CRIMINAL REVISION NO. 152 OF 2016

MERCY WANJA NTHIGA.....APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

R U L I N G

1. The applicant is before this court for revision of sentence imposed by principal Magistrate Siakago on 22/06/2016.
2. She was charged and convicted of the offence of manslaughter contrary to Section 202 of the Penal Code and sentenced to five (5) years imprisonment.
3. In her application, she states that she is satisfied with the conviction but urges the court to give her a suspended sentence relying on the following grounds:-
 - (a) *That she is remorseful and reformed.*
 - (b) *That she has undertaken an embroidery course in prison as a vocational training.*
 - (c) *That she is a single mother aged 27 years.*
 - (d) *That she suffers from ulcers.*
4. The maximum sentence provided for the offence of manslaughter is life imprisonment. The applicant was sentenced to five (5) years imprisonment.
5. The sentence is within the law and quite reasonable considering the circumstances of the case. I am convinced that mitigation was considered in meting out the sentence.
6. The conditions provided under Section 362 of the Criminal Procedure Code are that the court must satisfy itself that the magistrate in passing the sentence made or committed some irregularity, impropriety or illegality.
7. In this application, the applicant has not established any of the foregoing on part of the magistrate and has not faulted the magistrate in anyway.
8. In her mitigation, the applicant explained her personal challenges and responsibilities which were duly considered by the magistrate in passing sentence.

9. I find no merit in this application and it is accordingly dismissed. The sentence imposed is hereby upheld.

10. It is hereby so ordered.

DATED AND SIGNED AT EMBU THIS 12TH DAY OF APRIL 2017.

F. MUCHEMI

JUDGE