



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
CRIMINAL REVISION NO. 154 OF 2016

JOYCE KARIMI ITA..... APPLICANT

VERSUS

DIRECTOR OF PUBLIC PROSECUTIONS.....RESPONDENT

R U L I N G

1. The applicant was convicted by Senior Resident Magistrate Siakago of the offence of grievous harm contrary to Section 234 of the Penal Code and sentenced to a fine of Kshs.100,000/= in default five (5) years imprisonment.
2. The application for revision seeks for review of the sentence and grant her a suspended sentence on the following grounds:-
 - (a) *That she is remorseful and will always promote peace.*
 - (b) *That she has served part of the sentence and has reformed.*
 - (c) *That she has undertaken vocational training in prison and specialized in embroidery.*
 - (d) *That she is 25 years old with one child.*
3. Section 362 of the Criminal Procedure Code requires that the applicant satisfies the court that the trial magistrate committed an irregularity, or an illegality or an impropriety in his finding, sentence or order to justify correction by this court.
4. The maximum sentence of grievous harm contrary to Section 234 of the Penal Code is life imprisonment. The magistrate was very lenient to the applicant in giving an option of a fine and a defaulters sentence.
5. The applicant does not fault the magistrate in any way in passing sentence but only pleads for leniency.
6. The applicant had an opportunity to give her mitigation before the trial court which was considered in passing sentence.
7. I have perused the proceedings and the law and I find no irregularity, illegality or impropriety on part of the magistrate that requires to be corrected by way of review.
8. I find the application lacking merit and is hereby dismissed.

9. The sentence is hereby upheld.

10. It is hereby so ordered.

DATED, AND SIGNED THIS 12TH APRIL, 2017.

F. MUCHEMI

JUDGE