



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MACHAKOS

CRIMINAL REVISION NO. 12 OF 2013

REPUBLIC

VERSUS

JOSEPH MUTIE NYAGAH APPLICANT

RULING ON REVISION

1. By a letter dated 7/5/2013 the Applicant, **Joseph Mutie Nyagah**, moved this court for an order of revision under **section 362 and 364** of the **Criminal Procedure Code**.
2. The Applicant was arraigned in court on 29/4/2013 and pleaded guilty on three counts as follows:-

Count I – Obtaining money by false pretence contrary to **section 313** of the **Penal Code**.

The particulars of the offence were that on diverse dates between 17th August 2012 and 1st February 2013 at **Machakos Town** in **Machakos County**, with intent to defraud, obtained from **Katoloni Football Club**, the sum of Kshs.1,428,800/= by falsely pretending that he has a sponsor who has volunteered to sponsor the said **Katoloni Football Club** a fact he knew to be false.

Count II- Forgery contrary to **section 349** of the **Penal Code**.

The particulars of the offence were that on diverse dates between 17th August 2012 and 1st February 2013 at **Machakos Town** in **Machakos County**, with intent to defraud, forged 21 letters and 8 envelopes purporting to be letters and envelopes from **Brookside Company**.

Count III – Making a document without authority contrary to **section 357 (a)** of the **Penal Code**.

The particulars of the offence were that on diverse dates between 17th August 2012 and 1st February 2013 at **Machakos Town** in **Machakos County**, with intent to defraud, without lawful authority or excuse, made 21 letters and 8 envelopes purporting to be letters and envelopes from **Brookside Company**.

3. The Applicant pleaded guilty and was sentenced as follows:-

Count I – Two (2) years imprisonment.

Count II – Two (2) years imprisonment.

Count III – Four (4) years imprisonment.

The sentences run concurrently.

4. I have considered the lower court record and the provisions of the law under which the Applicant was charged. I am satisfied that the proceedings are regular and the sentence imposed is within the law. Consequently, I dismiss the application for revision.

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B. THURANIRA JADEN

JUDGE

Dated and delivered at Machakos this 26th day of March 2014.

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JUDGE