

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

CRIMINAL REVISION CASE NO. 2 OF 2011

PRISCA WANJA ACCUSED/APPLICANT

VERSUS

REPUBLIC RESPONDENT

R U L I N G

This is an application for revision under section 362 & 364 Criminal Procedure Code by the Applicant.

The Applicant says she admitted the charge of obtaining money by false pretence contrary to section 313 of the Penal Code because she thought the court would be lenient with her.

She also claims that she did not put forward her mitigation because the court did not give her the chance. I have looked at the record as is required of this court under section 362 Civil Procedure Code. The charge was read to Applicant in Kiambu language which she understood. She had told the court the language she understands is Kiambu. She pleaded guilty and facts were read to her. She admitted those facts.

She was also given a chance to mitigate and she did mitigate. The trial magistrate considered the mitigation as the record shows and handed the Applicant the maximum sentence of 3 years. The Applicant now says the sentence was too harsh and she is ready to arrange for payment of the money to the complainant. The money that the Applicant conned the complainant was over one million shillings! She cannot say the sentence is too harsh under the circumstances. The Applicant ought to have thought of her children and grandchildren who allegedly depend on her before doing what she did. She has been in prison now for about 9 months. And must have learnt her lesson. However before considering what to do with her sentence I direct that the District Probation Officer avails before this court a detailed social inquiry report on the accused. The complainant must also be interviewed.

Mention on 20/12/2011.

DATED, SIGNED AND DELIVERED AT EMBU THIS 23RD DAY OF NOVEMBER 2011.

**H.I. ONG'UDI
J U D G E**