



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

(Coram: Ojwang, J.)

CRIMINAL REVISION NO. 541 OF 2007

JAMES KANGETHE NJOROGE..... APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

RULING

The applicant comes before this Court seeking revision of sentence. He asks to be given a non-custodial sentence.

His reasons are that he is personally suffering in prison custody, but even more important, that his dependant family is badly affected during his service of prison term.

Essentially, what is before the Court is a plea for sympathy, and a substitution of the lawful sentence imposed by the Magistrate's Court.

It was not claimed at any time that the said sentence of the trial Court was illegal or irregular. This Court goes by the record, in a matter such as this. The record shows the sentence complained about to have been regular in every respect. Therefore it is a valid sentence which this Court has a judicial duty to see served out.

It follows that no legal basis has been laid for a review of the sentence of the Magistrate's Court.

Consequently I will order as follows:

- (1) The sentence imposed by the trial Court is sustained.
- (2) This application for review is dismissed.
- (3) Officer-in-charge of Kamiti Prison shall have the applicant escorted to hospital for medical attention, within 36 hours of the time (9.30 a.m.) and date hereof.

Orders accordingly.

DATED and DELIVERED at Nairobi this 26th day of February, 2008.

J.B. OJWANG

JUDGE

Coram: Ojwang, J.

Court Clerk: Huka

For the Respondent: Mrs. Obuo

Applicant in person