



REPUBLIC OF KENYA



KENYA LAW
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**Republic v Chege (Criminal Case E251 of 2023)
[2025] KEHC 1536 (KLR) (18 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1536 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL CASE E251 OF 2023
CW GITHUA, J
FEBRUARY 18, 2025**

BETWEEN

REPUBLIC STATE

AND

PETER MACHARIA CHEGE APPLICANT

RULING

1. In his undated Notice of Motion filed in this Court on 24th July 2023, the applicant sought review of his sentence imposed in Murang'a Chief Magistrate's Court Criminal Case No. E425 of 2023 in which he was sentenced to three years imprisonment for the offence of assault causing actual bodily harm contrary to Section 251 of the *Penal Code*.
2. He implored this court to revise his sentence and substitute it with a non-custodial sentence.
3. When his application came up for hearing today, the applicant reiterated his application and noted that he had been in prison for the last 20 months. He informed the court that he had undergone reform while in prison and that he was ready to be a law abiding citizen. He explained the circumstances in which he committed the offence claiming that it was not pre-meditated but was as a result of acts done in self defence.
4. The application was opposed by the Republic through learned Prosecution Counsel, Ms Monyal who urged the court to dismiss the application.
5. In her view, the applicant had not established good grounds to merit interference with his sentence; that in any event, he was about to finish his sentence and there was no need to interfere with it.
6. Having considered the application and the oral submissions made by both the applicant and the respondent and having noted the injuries sustained by the victim of the offence as shown in the P3 form as well as the record of the trial Court, I have come to the conclusion that a term of three years



imprisonment without the option of a fine was rather harsh and excessive for the offence subject of the applicant's conviction considering that the prosecution had confirmed to the trial court that the applicant was a first offender.

7. The learned trial magistrate did not also apparently consider that the applicant had pleaded guilty to the offence and had saved the court's precious judicial time.
8. Taking everything into account, I find that the time the applicant has spent in prison is sufficient punishment for the offence he committed.
9. Consequently, I hereby revise the trial court's sentence and reduce it to the period already served. The applicant shall be released from prison forthwith unless otherwise lawfully held.
10. It is so ordered.
11. This filed is now closed.

HON. C. W. GITHUA

JUDGE

18/2/2025

