



REPUBLIC OF KENYA



**Ngunyi v Republic (Criminal Revision E060 of 2025)
[2025] KEHC 4629 (KLR) (10 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4629 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL REVISION E060 OF 2025
MA ODERO, J
APRIL 10, 2025**

BETWEEN

DANIEL MURAYA NGUNYI APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein Daniel Muraya Ngunyi has sought to have the sentence imposed upon him by the trial court reviewed. The Applicant had been charged in the Lower Court with the offence of Stealing Contrary to Section 268(1) of the *Penal Code*.
2. The Applicant pleaded guilty to the offence. Upon the facts being read out the Applicant maintained his plea of Guilty. The trial court then convicted the Applicant. After hearing mitigation the Applicant was sentenced to a fine of Kshs. 1,000,000 in default to serve seven (7) years imprisonment from the date of arrest.
3. The ODPP represented by the learned state counsel do not oppose this application for review of sentence.
4. The Power of the High Court to review sentences is set out in Section 362 of the *Penal Code*, Cap 63 Laws of Kenya which provides as follows:-

“The High Court may call for and examine the record of any criminal proceedings before any subordinate Court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceedings in any such subordinate court.”

5. The orders which the High Court may make upon revision are provided by Section 364 of the *Penal Code*.



6. I have considered the proceedings which took place in the lower court. I am satisfied that the trial was conducted as procedurally required. The Applicant was given an opportunity to mitigate and this mitigation was taken into account pending sentencing.
7. Given that there is no opposition to this application and given that the Applicant pleaded guilty to the charges thereby saving the court from conducting an unnecessary trial.
8. The Applicant was sentenced to serve a total of seven (7) years imprisonment. I allow this application for review and reduce the sentence imposed upon the Applicant to a fine of Kshs. 500,000/= in default four (4) years imprisonment running from the date of sentence. It is so ordered. This file is now Closed.

DATED IN NYERI THIS 10TH DAY OF APRIL 2025.

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MAUREEN A. ODERO

JUDGE

