



Bakari v Office of Director of Public Prosecution (Criminal Revision E127 of 2024) [2025] KEHC 8094 (KLR) (23 May 2025) (Ruling)

Neutral citation: [2025] KEHC 8094 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
CRIMINAL REVISION E127 OF 2024**

JN NJAGI, J

MAY 23, 2025

BETWEEN

THABIT AHMED BAKARI APPLICANT

AND

OFFICE OF DIRECTOR OF PUBLIC PROSECUTION RESPONDENT

RULING

1. The Applicant herein was convicted for the offence of occasioning a person grievous harm contrary to Section 234 of the [penal code](#) and was sentenced to serve 4 years imprisonment. His appeal to the High Court was dismissed by Justice Githinji on the 20th November 2024. He has now filed a sentence review application vide a Notice of Motion dated 17th December 2024 seeking that the court grants him a non-custodial sentence.
2. The applicant pleaded that he was aged 19 years and a form 3 student at [Particulars Withheld] Secondary School when he was convicted. That the prison facilities lack education facilities and his incarceration is hindering his educational development. That he has served a considerable part of his sentence and he has roughly one year and 7 months remaining. That during his incarceration he has been rehabilitated.
3. The Applicant made reliance on the case of Moses Dola Otieno where Justice Alexander Muteti granted an early release to a former journalist who had been convicted of manslaughter and was released 4 months before the completion of his 10 years prison sentence.
4. The Respondent left the matter at the hands of the court
5. I have considered the application. The applicant was sentenced on 22nd January 2024 but was to serve the sentence from 11/12/2023. He has thereby served about 1 ½ years of the sentence imposed on him. I have noted from the proceedings that the applicant occasioned the complainant serious injuries. In



fact Justice Githinji described the sentence as a lenient one. I therefore find that the sentence so far served is not sufficient as to warrant the applicant an early release from prison.

6. Accordingly, the application for review of sentence is refused.

DELIVERED, DATED AND SIGNED AT GARSEN THIS 23RD DAY OF MAY 2025

J. N. NJAGI

JUDGE

In the presence of:

Mr. Oluoch for Respondent

Applicant: present in person

Court Assistant: Ndonye

