



REPUBLIC OF KENYA



Mwangi v Office of the Director of Public Prosecutions (Miscellaneous Review Application E016 of 2024) [2025] KEHC 10138 (KLR) (20 June 2025) (Ruling)

Neutral citation: [2025] KEHC 10138 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARSEN
MISCELLANEOUS REVIEW APPLICATION E016 OF 2024**

**JN NJAGI, J
JUNE 20, 2025**

BETWEEN

MOSES MUBIA MWANGI APPLICANT

AND

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS RESPONDENT

RULING

1. The applicant has filed an undated application seeking for orders that he be placed on probation for the remaining period of 2 years of the 10 years sentence that he is serving. The application is based on the grounds that he was sentenced to 10 years imprisonment for the offence of grievous harm contrary to section 234 of the *Penal Code*. That the sentence began on 12th April 2020 and ought to end on 12th August 2027 pursuant to remission of one third of the sentence as provided under the *Prisons Act*. That having served the larger part of the sentence he seeks that this court makes an order for him to serve the remaining sentence under probation.
2. Upon going through the application, I have noted that the court does not have sufficient material upon which it can consider the application as no probation report was filed in the case and the record of the trial court was not availed for the court to check on the nature of injuries occasioned to the complainant in the criminal matter the application was convicted of. I accordingly make the following orders:
 1. The Deputy Registrar of this court to call for Mpeketoni Law Courts Criminal Case No 196 of 2020.
 2. The Probation Officer, Garsen to file a Sentence Review Report including a statement from the complainant in the criminal case.
 3. Matter to be mentioned on 29/7/2025.

Orders accordingly.



DELIVERED, DATED AND SIGNED AT GARSEN THIS 20TH DAY OF JUNE 2025.

J. N. NJAGI

JUDGE

In the presence of:

Applicant: present in person at G.K. Prison Malindi

Court Assistant: Ndonye

