



**Kigathi v Republic; Kiarie (Interested Party) (Criminal Revision
E080 of 2025) [2025] KEHC 10759 (KLR) (22 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10759 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION E080 OF 2025
DR KAVEDZA, J
JULY 22, 2025**

BETWEEN

JOYCE WANJIKU KIGATHI APPLICANT

AND

REPUBLIC RESPONDENT

AND

JOSEPH NGIRIA KIARIE INTERESTED PARTY

RULING

1. The applicant, seeks revision under Section 362 as read with Section 364 of the *Criminal Procedure Code*. The application dated 20th June 2025 seek as stay of proceedings in Kibera Criminal Case No. E206 of 2022, *Republic v Joyce Wanjiku Kigathi*, and an order allowing withdrawal of the said case.
2. The respondent was charged with the offence of grievous harm contrary to Section 234 of the *Penal Code*. The complainant in the matter is the interested party.
3. On 14th June 2022, the trial court was informed that the parties were negotiating and that there was a related matter, being Kibera Criminal Case No. E525 of 2022, in which the complainant in this matter was the accused. That matter was later withdrawn.
4. On 25th August 2022, the trial court was informed that the complainant intended to withdraw the case herein under Section 176 of the *Criminal Procedure Code*. However, the prosecution raised concerns as to whether such withdrawal was permissible in view of the nature of the offence.
5. A formal application was filed by the accused person on 25th November 2024 seeking to withdraw the matter, but the same was declined by the trial court.



6. The present application is supported by the affidavit of the complainant, who states that the parties are a couple with a young child and that he wishes to withdraw the complaint to promote reconciliation for the welfare of the child. He affirms that he did not suffer permanent injury and is not seeking any form of compensation.
7. The state counsel, Mr. Mutuma, has not opposed the application and supports reconciliation in the interest of the minor.
8. This court takes note of Article 159(2)(c) and (d) of the Constitution which encourages alternative dispute resolution mechanisms, and Article 45 which recognises the family as the natural and fundamental unit of society. Given the complainant's voluntary wish to withdraw, the absence of permanent injury, and the mutual desire to reconcile, this is a suitable case for withdrawal under Section 204 of the Criminal Procedure Code.
9. Accordingly, the application dated 20th June 2025 is allowed. Kibera Criminal Case No. E206 of 2022 *Republic v Joyce Wanjiku Kigathi* is marked as withdrawn under Section 204 of the Criminal Procedure Code. The cash bail shall be refunded to the depositor.

Orders accordingly.

RULING DATED AND DELIVERED THIS 22ND DAY OF JULY 2025

D. KAVEDZA

JUDGE

