



**Maina v Republic (Criminal Revision E070 of 2025)
[2025] KEHC 10099 (KLR) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10099 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL REVISION E070 OF 2025
MA ODERO, J
JULY 11, 2025**

BETWEEN

SAMUEL MATHENGE MAINA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant herein Samuel Mathenge Maina had been charged in the Lower Court with the offence of stealing contrary to Section 268(1) as read with Section 275 of the Penal Code.
2. The Applicant entered a plea of ‘Guilty’ to the charge. The facts were read out and the Applicant maintained his plea of ‘Guilty’. He was then convicted and was sentenced to serve two (2) years imprisonment.
3. 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.”
4. The orders which the High Court may make upon revision are provided by Section 364 of the Penal Code.
5. I have carefully perused the record of the proceedings before the lower court. I am satisfied that the correct procedure was followed in all aspects.



6. I have considered the facts of this case – I note that the Applicant pleaded guilty to the charge thereby saving valuable court time.
7. The Applicant did not deny having received the complainant’s phone for charging. He pleaded that he had merely misplaced the phone.
8. I have perused the Social Enquiry Report filed in this matter. It indicated that the Applicant was not suited for a non-custodial sentence.
9. In my view the sentence imposed by the trial court was appropriate and was not excessive. I therefore am not inclined to interfere with the sentence. Finally this application is dismissed in its entirety.

DATED IN NYERI THIS 11TH DAY OF JULY 2025.

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MAUREEN A. ODERO

JUDGE

