



REPUBLIC OF KENYA



**Mwangi v Republic (Criminal Revision E199 of 2024)
[2025] KEHC 10097 (KLR) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10097 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL REVISION E199 OF 2024
MA ODERO, J
JULY 11, 2025**

BETWEEN

DENNIS WACHIRA MWANGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant Dennis Wachira Mwangi had been charged in the Lower Court with the following charges.
Count No. 1
Robbery with Violence Contrary to Section 296(2) of the [Penal Code](#).
Count No. 2
Attempted Robbery with violence contrary to Section 297 (2) of the [Penal Code](#).
2. The Applicant entered a plea of ‘Not Guilty’ to both charges. The trial commenced on 1st September 2022 before Hon. Okuche Principal

Magistrate.

3. On 17th May 2023 the learned trial magistrate delivered the judgment in which he convicted the Applicant on both counts. After listening to mitigation the court proceeded to sentence the Applicant to serve twenty (20) years imprisonment on the first count and seven (7) years imprisonment on the second count. The sentences were to run concurrently.
4. The Applicant has now filed this application seeking to have the sentences imposed upon him by the trial court reviewed.



5. The learned state counsel Ms. Kaniu opposed the application. 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.”

6. The orders which the High Court may make upon revision are provided by Section 364 of the [Penal Code](#).

7. I have carefully perused the record of the proceedings before the lower court. I note that the trial was conducted procedurally. The applicant was accorded an opportunity to cross-examine all the witnesses called by the prosecution. I find that there was no procedural defect in the manner in which the trial was conducted.

8. It must be remembered that the issue of sentencing lies at the discretion of the trial court. If the applicant wishes to challenge his conviction and/or sentence he may file an appeal. This application for review lacks merit. The same is dismissed in its entirety. This file is now Closed.

DATED IN NYERI THIS 11TH DAY OF JULY 2025

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MAUREEN A. ODERO

JUDGE

