



**Republic v Waweru (Criminal Revision 1 of 2023)  
[2024] KEHC 1101 (KLR) (Crim) (9 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1101 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYANDARUA  
CRIMINAL  
CRIMINAL REVISION 1 OF 2023  
CM KARIUKI, J  
FEBRUARY 9, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**JULIUS KANYUGUTO WAWERU ..... APPLICANT**

**RULING**

1. By application undated and filed on 5<sup>th</sup> February 2024, the Applicant seeks revision to his two (2) years imprisonment for the offence of assaulting a police officer contrary to section 103(a) *NPSA* No. 11A of 2011 where it is alleged he assaulted a police officer by biting his ring and small finger of the right hand.
2. Along with the said offence, he was charged also with offences of robbery with violence contrary to section 296 (2) *Penal Code*, threatening to kill on 10<sup>th</sup> June 2023, resisting arrest on 10<sup>th</sup> June 2023, and assaulting police officer on 11<sup>th</sup> June 2023.
3. Curiously, complainant officer withdrew all other counts except No. 4 which he admitted. The ground for withdrawal was that they reconciled and settled out of court.
4. The Applicant mitigated that he was seeking mercy after prosecution reported that there were no previous records thus treated as a first offender.
5. However, without any justification, the trial court just casually jailed him for 2 years without an option for fine. Was it because complainants were police officers? This smacks suspicion for unfair treatment and discrimination contrary to article 27 of *the Constitution* for Kenya.
6. Worse of all the facts read were in congruent with the charge sheet. The offence is alleged to have been committed on 11<sup>th</sup> June 2023 but facts read talked of 10<sup>th</sup> June 2023. No amendment was done so the same was fatal.



7. For above reasons, the charges were invalid thus conviction is quashed, sentence set aside and accused released forthwith.

**DATED, SIGNED AND DELIVERED AT NYANDARUA THIS 9<sup>TH</sup> FEBRUARY 2024.**

.....

**CHARLES KARIUKI**

**JUDGE**

