



**Salamba v Director of Public Prosecutions (Criminal Revision
E110 of 2024) [2024] KEHC 5603 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5603 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL REVISION E110 OF 2024
TW CHERERE, J
MAY 9, 2024**

BETWEEN

KALALA MATHEU SALAMBA APPLICANT

AND

DIRECTOR OF PUBLIC PROSECUTIONS RESPONDENT

RULING

1. The brief facts of this revision are that Applicant was charged in Isiolo CM Criminal Case No. E020 of 2024 with the offence of forgery contrary to section 345 of the *Penal Code*, making a document contrary to section 357 (a) of the same Act and being unlawfully present in Kenya contrary to section 53(1) (j) of the *Citizenship and Immigration Act*. Applicant was subsequently convicted and sentenced to serve 1 ½ years in the 1st and 2nd counts which sentences are to run concurrently.
2. Applicants seeks a review on the grounds that he is a single father and his children are suffering. Ms. Rita for the DPP did not oppose the application.
3. The powers of the High court in revision cases are contained in Section 362 through to 366 of the *Criminal Procedure Code* (cap.75) Laws of Kenya. Section 362 specifically provides as follows: -

“362. 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 of any such subordinate court”.
4. No material has been placed before the court to demonstrate any incorrectness, illegality or impropriety of the proceedings of the trial court. On the contrary, the sentences meted out by the trial magistrate are lawful and I find no reason to interfere with them. Additionally, the fact that Applicant is a single



father might have been a good mitigating factor but is not one such ground as would entitle him to an order of review.

5. I however note that Applicant is a first offender entitled to the least available sentence for the offences he was charged with.
6. It is therefore hereby ordered as follows:
 1. The sentence of 1 ½ years in counts 1 and 2 is substituted with a 12 months' imprisonment term in each count
 2. The sentences shall run concurrently as directed by the trial court.

DELIVERED AT MERU THIS 09th DAY May 2024

WAMAE. T W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Applicant - Present in person

For Respondent - Ms. Rita Rotich (PC-1)

