



**Chege v Republic (Criminal Revision E168 of 2024)  
[2024] KEHC 7269 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7269 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL REVISION E168 OF 2024**

**AM MUTETI, J**

**JUNE 6, 2024**

**BETWEEN**

**BENARD WAIHAKA CHEGE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged with the offence of Assault Causing Actual bodily harm. The victim of the attack was his brother.
2. I have noted that he used a panga to assault him. The offence is serious this is not one of those contemplated under Section 176 of the Criminal Procedure Code.
3. The medical report shows that he actually cut his brother on the scalp. The action was senseless and uncalled for whatever reason.
4. Its such acts by family members that result into family murders. He deserves no mercy from this court. I decline to review the sentence and order that he serves the full term.
5. His brother has not even forgiven him as per the report. It would be remiss of this court to ignore that fact. Let his brother's passion cool as he completes his sentence.

The application is rejected.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 6<sup>TH</sup> DAY OF JUNE 2024**

**A. M. MUTETI**

**JUDGE**

In the presence of:



Yussuf: Court Assistant

Applicant – Absent at 9.00 a.m

Mr. Mwangi for the Respondent

