



**Musyoka v Republic (Criminal Revision E139 of 2024)
[2024] KEHC 7276 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7276 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL REVISION E139 OF 2024
AM MUTETI, J
JUNE 6, 2024**

BETWEEN

NICHOLAS MUTUNG'A MUSYOKA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Revision seeks to have the sentence imposed against the applicant reviewed downwards from the fine of Ksh. 60,000/= in default 1 year imprisonment for the offence of threatening to kill contrary to Section 223 (i) of the *Penal Code*.
2. The complainant in the matter is the applicants wife whom he threatened on the night of 2nd October 2023 at 10.00 p.m. when he returned home.
3. The applicant was sentenced to serve 1year imprisonment in default but the probation officer recommends that the applicant be placed on community service. I do hereby exercise the power reserved for this court under Section 364 of the *Criminal Procedure Code* and alter the sentence and in substitution thereof place the Applicant under Community Service for the period of his remaining term considering that the complainant appears from the report to have reconciled with him.
4. During the period of Community service, the probation officer shall ensure that the applicant complies with all instructions issued to him from time to time.
5. In the event that he violates the order he shall be re-arrested and produced before court for appropriate action.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 6TH DAY OF JUNE 2024.

A. M. MUTETI



JUDGE

In the presence of:

Yussuf: Court Assistant

Applicant

Mwangi for the Respondent

