



**Mwangi v Republic (Criminal Revision E551 of 2023)  
[2024] KEHC 7380 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7380 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL REVISION E551 OF 2023  
AM MUTETI, J  
JUNE 6, 2024**

**BETWEEN**

**PHILIP NJOROGE MWANGI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant seeks a Revision of his sentence in Murang'a Criminal Ca'se No. 2208 of 2023 in which he was charged and convicted for the offence of Administering a poison with intent to harm Contrary to Section 236 of the *Penal Code*, The particulars of the offence were that on the 21<sup>st</sup> day of September 2023 at about 19.30 hours in Wempa location Murang'a within Murang'a County he put suspected poison substance in food that is Irish potatoes that were on fire boiling which potatoes were meant to be served and eaten by members of his family. The applicant pleaded guilty to the charge and was convicted and sentenced to serve a prison term of 5 years.
2. I have examined the record in exercise of the jurisdiction conferred upon this court under Section 364 of the *Criminal Procedure*, and taken liberty to scrutinize the handwritten notes of the trial court and the sentence review report sent to this court by the probation service signed by one Alice Waithera Probation Officer Murang'a County. The facts of the matter are disturbing in that had the mother of the applicant not been keen when she was about to put rice in the boiling pot where the potatoes were, she would have proceeded to pour rice into the same, continue cooking and serve the meal to the unsuspecting members of the family.
3. The applicant's action was premeditated and had he succeeded in his evil scheme, the persons who would have consumed the meal would have been seriously hurt and possibly death would result.



4. The sentence of 5 years imprisonment meted out by the learned honourable magistrate was merited considering that Section 236 of the *Penal Code* prescribes a prison term of upto 14 years for endangering lives of others.
5. I do not therefore find any reason to review the sentence for the proceedings were regular, proper correct and legal.
6. The applicants request for a review of the prison term is therefore dismissed and as indicated by the probation officer he remains unwelcome back home so the prison term should further his rehabilitation and also allow passion to cool at home before he can be set free.
7. The application therefore fails in its entirety and is accordingly dismissed. He shall serve full term unless otherwise ordered by a superior court.

**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 - present

Mr. Mwangi for the Respondent

