



REPUBLIC OF KENYA



KENYA LAW
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**Nungari v Republic (Criminal Revision 71 of 2023)
[2024] KEHC 6977 (KLR) (11 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6977 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 71 OF 2023
DR KAVEDZA, J
JUNE 11, 2024**

BETWEEN

NDUNGU MBURU NUNGARI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of robbery with violence contrary to section 296(2) of the *penal code*. He was sentenced to death. The sentence was later commuted to life imprisonment. The applicant was later on resentenced to serve 30 years imprisonment.
2. He has filed an application for sentence revision. He contended that he has already served 18 years in prison which is sufficient rehabilitation. At the time of his arrest he was 35 years and spent most of his adult life in prison. In addition, he suffers from leukaemia and diabetes. He is remorseful. He urged the court to grant a non-custodial sentence.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant's mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality, the sentence imposed was legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed. The application is dismissed.

RULING DATED AND DELIVERED VIRTUALLY THIS 11TH DAY OF JUNE 2024

D. KAVEDZA

JUDGE

