



REPUBLIC OF KENYA



**Ngigi v Republic (Criminal Revision E186 of 2024)  
[2024] KEHC 7379 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7379 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL REVISION E186 OF 2024**

**AM MUTETI, J**

**JUNE 6, 2024**

**BETWEEN**

**DOUGLAS GITHAKA NGIGI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The application before me seeks a review of the sentence of 2 years imposed by the trial magistrate against the Applicant.
2. I have noted from the record that the applicant was charged together with 2 others in Murang'a CMCRC No. E 001/2023.
3. The co-accused of the Applicant were placed on probation (Accused 1) and C.S.O for Accused 3).
4. The record shows that the magistrate noted that the report of the present Applicant was unfavourable thus he was sentenced on the 11<sup>th</sup> January 2023 to serve two years imprisonment I take note of the fact that the mobile phone the subject matter of the charges was recovered and returned to the complainant.
5. The mobile phone having been returned to the complainant and the accused having been in prison since 11<sup>th</sup> January 2023, to serve two years imprisonment. I take note of the fact that the mobile phone the subject matter of the charges was recovered and returned to the complainant.
6. The mobile phone having been returned to the complainant and the accused having been in prison since 11<sup>th</sup> January 2023, I am inclined to consider the application favourably and invoke the provisions of Section 364 of the *Criminal Procedure Code* as read together with the provisions of Art 165 of the *Constitution* of Kenya and reduce the prison term to the period already served considering that the applicant has done more than one year in prison.



7. The prison conditions being what they are, I am certain that the applicant has learnt a useful lesson or two so that as he returns to the village he will have to think twice whenever the thought of stealing crosses his mind.

The applicant shall be released from prison custody immediately.

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

**A. M. MUTETI**

.....

**JUDGE**

I certify that this is a true copy of the original

Signed

**DEPUTY REGISTRAR**

**In the presence of:**

Yussuf: Court Assistant

Applicant -

Mwangi for the Respondent

