



REPUBLIC OF KENYA



**Mwangi v Republic (Revision Case E527 of 2023)  
[2024] KEHC 8697 (KLR) (19 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8697 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
REVISION CASE E527 OF 2023**

**S MBUNGI, J**

**JULY 19, 2024**

**BETWEEN**

**ANTHONY KANYINGI MWANGI ..... ACCUSED**

**AND**

**REPUBLIC ..... PROSECUTION**

**RULING**

1. By undated application which was filed on 27/12/2023, the Applicant (inmate) Anthnoy Kanyingi Mwangi requested the court to invoke its power of review under Section 362 of the [Criminal Procedure Code](#) and requested the court to re-sentence him to serve Probation Community Service or the sentence be suspended.
2. I have looked at the grounds in support and the supporting affidavit, he says he has reformed. The court sought a report from the Probation Officer. A report was filed on 12.3.2024 by Geoffrey Mburu Probation Officer. I have read the report. It is so detailed. After interviewing the relevant sources, he made a finding that the inmate (applicant) is not suitable for non-custodial sentence. Th community said he is a known criminal. The record shows he is not a first offender. He has served a 2 years' imprisonment sentence for a similar offence
3. Taking into consideration the views expressed by the community and the fact that the offender is not a first offender.
4. I find the applicant has not persuaded the court in a manner to make me exercise my discretion to disturb the sentence meted by the trial court. I therefore dismiss the applicant application filed on 27/12/2023. The inmate shall continue serving the sentence as meted by the trial court.

Right of appeal 14 days

**HON MR. JUSTICE S. MBUNGI**



**HIGH COURT JUDGE**

**DATED THE 19<sup>TH</sup> DAY OF JULY 2024 AND READ IN OPEN COURT IN THE PRESENCE OF  
INMATE**

Court Assistant – Elizabeth and Prosecutor.

