



**Mwangi v Prosecution (Criminal Revision E079 of 2024)
[2024] KEHC 12249 (KLR) (24 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 12249 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CRIMINAL REVISION E079 OF 2024
GL NZIOKA, J
SEPTEMBER 24, 2024**

BETWEEN

JULIUS NGUGI MWANGI APPLICANT

AND

PROSECUTION RESPONDENT

RULING

1. The application herein seeking for review of sentence is considered. The materials placed before the court for consideration includes: -
 - a. The trial court record of proceedings
 - b. The pre-sentence review report are considered
2. It is the finding of the court as follows: -
 - a. If the applicant's application is for review of the sentence so that instead of the sentences on the two (2) counts running consecutively, it runs concurrently, then he ought to file an appeal and not review.
 - b. The order in (a) above is informed by the fact that, section 362 as read with section 364 of the [Criminal Procedure Code](#) envisages review of a sentence that is improper, illegal, unlawful and/or incorrect. That is not the case herein.
 - c. The application of the [Community Service Orders Act](#), relates to a sentence of not more than three (3) years. The applicant herein has an accumulated sentence of five (5) years and he has served only one (1) year



- d. Pursuant to order in (c) above, I direct that, he services a further custodial sentence of six (6) months, which, when remission is considered he will be eligible for sentence review under *Community Service Orders Act*.
- e. After the six months, he shall be released on probationary services for the remaining period of his sentence which when calculated gives a period of about 18 months after the expiry six (6) months of this date.
- f. The Probation and After Care Department shall file periodic reports with the honourable court (to be confirmed by the Hon. Deputy Registrar) on quarterly basis on the compliance or otherwise with the probationary sentence.
- g. Either party be at liberty to apply in case of default or otherwise.

3. It is so ordered

DATED, DELIVERED AND SIGNED THIS 24TH DAY OF SEPTEMBER, 2024.

GRACE L. NZIOKA

JUDGE

In the presence of: -

N/A for the applicant

N/A for the respondent

Mr. Komen: Court Assistant

