



**Kimutai v Republic (Criminal Revision 42 of 2024)  
[2024] KEHC 12657 (KLR) (22 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12657 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION 42 OF 2024  
DR KAVEDZA, J  
OCTOBER 22, 2024**

**BETWEEN**

**DARIUS KIBET KIMUTAI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and after a full trial convicted for the offence of robbery with violence contrary to section 295 as read with section 296(2) of the Penal Code. He was sentenced to serve 7 years imprisonment.
2. He has filed the present application received on 12<sup>th</sup> July 2024 seeking revision of sentence. The grounds raised are that he was the bread winner to his family. He has 9 school going children all dependant on him. He is a first time offender and has undergone reform . He urged the court to revise the sentence of the trial court to 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 and the time spent in remand custody. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court.
5. The application dismissed for lacking in merit.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 22<sup>ND</sup> OCTOBER 2024**

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**D. KAVEDZA**  
**JUDGE**

