



REPUBLIC OF KENYA



**Kiogo v Republic (Revision Case E258 of 2022)  
[2023] KEHC 554 (KLR) (2 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 554 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
REVISION CASE E258 OF 2022  
TW CHERERE, J  
FEBRUARY 2, 2023**

**BETWEEN**

**MUGAMBI KIOGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Mugambi Kiogo (Applicant) was charged in Meru Cr. Case No. E977 of 2021 with forcible detainer contrary to section 91 of the *Penal Code* and threatening breach of peace contrary to section 95(1) (b) of the same *Act*. He was convicted and sentenced on November 1, 2022 to serve 18 months and 4 months respectively.
2. I have considered the probation report filed on December 22, 2022. It reveals that Applicant who is 65 years old is sickly and on medication. He regrets his actions. The report recommends that a non-custodial sentence.
3. I have considered the probation report. Applicant has served 2 ½ months of his 18 months' sentence. Considering his age and health status, I find that this is a suitable case for review of sentence.
4. It is therefore ordered that the 18 months and 4 months' sentences be and are hereby commuted to period already served.

**DELIVERED IN MERU THIS 02<sup>nd</sup> DAY OF February 2023**

**WAMAE. T. W. CHERERE**

**JUDGE**

**Appearances**

**Court Assistant - Kinoti**



**Applicant - Present**

**For the Respondent - Ms. Kitoto (PPC)**

