



**Njihia v Republic (Criminal Revision E249 of 2022)
[2023] KEHC 1759 (KLR) (Crim) (13 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 1759 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CRIMINAL
CRIMINAL REVISION E249 OF 2022
LN MUTENDE, J
MARCH 13, 2023**

BETWEEN

MARY WAMBUI NJIHIA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Through an undated application filed herein on 26th September, 2022, the applicant seeks review of sentence imposed by the lower court. The substratum of the application is that the applicant was sentenced to serve three years, three months imprisonment and that time spent in remand be considered.
2. The application is opposed by the State through Mr. Kiragu, learned Prosecution Counsel, who argues that during trial the applicant was not cooperative and goods obtained by the applicant have never been recovered. He called upon the court to consider prevalence of the offence and let the offender serve the sentence so that objectives of sentences can be met.
3. The applicant herein filed Misc. Criminal Application No. 451 of 2021 seeking review of sentence. This court dealt with the matter. It declined to grant orders sought since the applicant through the firm of Ario and Co. Advocates had filed an appeal in this matter.
4. In the premises, I am *functus officio*. In the, application is struck out.
5. It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY
THROUGH MICROSOFT TEAMS AT NAIROBI,**



THIS 13TH DAY OF MARCH, 2023.

L. N. MUTENDE

JUDGE

IN THE PRESENCE OF:

Applicant

Mr. Kiragu for the State

Court Assistant – Mutai/Evance

