



REPUBLIC OF KENYA



**KENYA LAW**  
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**Gatwiri v DPP (Miscellaneous Criminal Application  
E029 of 2022) [2023] KEHC 19731 (KLR) (6 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 19731 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
MISCELLANEOUS CRIMINAL APPLICATION E029 OF 2022**

**EM MURIITHI, J**

**JULY 6, 2023**

**IN THE MATTER OF GITHONGO P.M CR. CASE NO. 1307 OF 2019**

**BETWEEN**

**REGINA GATWIRI ..... APPLICANT**

**AND**

**DPP ..... RESPONDENT**

**RULING**

1. Upon hearing counsel for DPP and the counsel of the accused and noting that the money subject of the charge in count 1 has already been refunded to the complainant, and secondly that the sentence of 3 years imposed on by the trial court for a first offender is excessive and further that the sentence of 3 years under count 2 is illegal being in excess of the maximum of 2 years prescribed for a misdemeanor, and the fact that the accused has served 9 months of the sentence, the court revises the sentence to an imprisonment term equivalent to the period already served on both counts 1 and 2 of the charge.
2. Accused shall be released from custody forthwith unless she is otherwise lawfully held.
3. File closed.

**DATED AND DELIVERED ON THIS 6<sup>TH</sup> DAY OF JULY, 2023.**

**EDWARD M. MURIITHI**

**JUDGE**

**Appearance**

Ms. Maore for Applicant.

Mr. Masila for DPP.

