



**Karanja v Republic (Miscellaneous Criminal Application  
E046 of 2022) [2023] KEHC 20469 (KLR) (21 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20469 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
MISCELLANEOUS CRIMINAL APPLICATION E046 OF 2022  
RN NYAKUNDI, J  
JULY 21, 2023**

**BETWEEN**

**CHARLES KAMONJI KARANJA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

Coram: Before Hon. Justice R. Nyakundi

Mr. Mark Mugun for the State

1. The applicant approached this court *vide* an application dated June 10, 2023 seeking a sentence review of the sentence meted out to him in Iten Magistrate's Criminal Case No E031 of 2020 – *Republic vs Charles Kamoni Karanja*. The applicant was charged with one count of forgery of a document title to land contrary to section 350(1),(2) of the [penal Code](#), two counts of making a false document without authority contrary to section 357(a) of the [Penal Code](#), two counts of uttering a false document contrary to section 353 of the [Penal Code](#), one count of perjury contrary to section 108(1)(a) of the [Penal Code](#), one count of giving false information to a person employed in the public service contrary to section 129(b) of the [Penal Code](#) and one count of conspiracy to commit a felony contrary to section 393 of the [Penal Code](#). The trial court convicted him of seven counts and fined the accused Kshs 50,000/- on each count in default to serve six months for each count, consecutively.
2. The application is premised on the grounds that it is in fairness that the applicant is entitled to the review of sentence and that the court is entreated to ensure protection of the law to allow him serve his sentence concurrently.



### **Analysis & Determination**

3. I have considered the application and the affidavit in support of the same. The applicant has not elucidated as to why the decision of the trial court warrants a review. Whereas he claims that the court should jealously protect his constitutional right to liberty, he has not laid down a basis for the same to be considered infringed.

4. The application is expressed to be brought under section 362 of the [Criminal Procedure Code](#) which provides as follows;

The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of any such subordinate court.

5. There is no impropriety or illegality in the sentences meted out demonstrated by the applicant. I have considered the charges and the prescribed sentences under the [Penal Code](#) and it is my considered view that the trial magistrate was lenient on the applicant. I find no reason to interfere with the sentences and the application is hereby dismissed in its entirety.

**DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 21<sup>ST</sup> DAY OF JULY 2023**

**In the Presence of**

Mr. Mugun for the State

.....

**R. NYAKUNDI**

**JUDGE**

