



**Ndungu v Republic (Revision Case E485 of 2022)
[2023] KEHC 20168 (KLR) (12 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20168 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E485 OF 2022
SM MOHOCHI, J
JULY 12, 2023**

BETWEEN

JOHN MBURU NDUNGU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was convicted and sentenced to serve a term of imprisonment of one (1) year for the offence of obtaining money by false pretence contrary to Section 313 of the *Penal Code*.
2. He now seeks the review of the sentence.
3. Sentencing is an exercise of discretion and this Court shall only disturb such discretion if it is exercised not in a judicial manner or if the Court failed to afford a convict his/her right to mitigate or any other factors if they were to be considered then the trial Court would have arrived at a different sentence otherwise.
4. This Court has called for and examined the entire criminal proceedings in Nakuru CM's Criminal Case No 2421 of 2021 and find no fault in the sentence.
5. The application thus fails for lack of merit and is accordingly dismissed.

SIGNED, DATED AND DELIVERED IN OPEN COURT AT NAKURU ON THIS 12TH JULY 2023

MOHOCHI S.M

JUDGE

In the presence of: -



Court Assistant – Schola
State Counsel – Ms. Mburu

