



**Kenga v Republic (Criminal Revision E018 of 2023)
[2023] KEHC 23952 (KLR) (24 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23952 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL REVISION E018 OF 2023
GMA DULU, J
OCTOBER 24, 2023**

BETWEEN

STEPHEN MUTUKU KENGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This is a request for review of sentence in which Section 333 (2) of the *Criminal Procedure Code* (Cap.75) has been relied upon.
2. In Voi High Court Criminal Appeal No. 21 of 2020 consolidated with No. E003 of 2021, and E068 of 2021, the learned Judge concluded in the judgment on 4th March 2022 as follows:-
 77. As for the sentence, I note that the appellants were sentenced to serve 13 years for each count, and, the sentences to run concurrently. Considering the offence, the manner in which it was committed, it is my view that the sentence of thirteen years for each of the three counts to run concurrently is lenient. I find no reason to tamper with it. The upshot is that I uphold the conviction and sentence and dismiss the three consolidated appeals. However, computing the prison term, the period the appellants were in police custody from 2nd November 2016 and subsequently in remand prison upto 4th April 2020 when they were convicted shall be factored in the computation.
3. In my view therefore, the prison sentence of 13 years was thus reduced by this court on appeal by reducing the period between the dates stated in the above appeal judgment.
4. I thus find no merits in this present request for review of sentence, and decline to review the sentence.



5. This ruling applies also to application No. E017 of 2023 Fredrick Gitonga Mungania =Versus= Republic, which is for ruling today and arises from the same above judgment of the High Court on appeal, and wherein the applicant asked for probation sentence.

DATED, SIGNED AND DELIVERED THIS 24TH DAY OF OCTOBER 2023 IN OPEN COURT AT VOI.

GEORGE DULU

JUDGE

In the presence of:-

Alfred – Court Assistant

Applicant

Applicant in E017 of 2023

Mr. Sirima for State

