



**Indiazi v Director of Public Prosecution (Criminal Revision  
E284 of 2024) [2024] KEHC 13910 (KLR) (8 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13910 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL REVISION E284 OF 2024  
S MBUNGI, J  
NOVEMBER 8, 2024**

**BETWEEN**

**HUMPHREY INDIAZI ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... RESPONDENT**

**RULING**

1. The applicant herein, was charged, tried and convicted to serve two and a half years' imprisonment for the offences of Obtaining under false pretence Contrary to section 313 of the penal code, Forgery contrary to section 345 as read with section 349 of the penal code, uttering a false document contrary to section 353 of the penal code laws of Kenya and giving false information to a person employed in the public service contrary to section 129 of the code laws of Kenya.
2. The applicant's application for review of sentence in this court is rooted on the grounds that he is remorseful, a first time offender, and has undergone several prison and rehabilitation programs.
3. I have looked at the lower court charge sheet, applicant's application for review and the sentence review report filed by the Probation Office which is positive.
4. I have noted the sentence imposed by the trial court in Mumias Criminal Case No. E276 of 2022 and the time served in custody by the applicant so far which is one year. He is said to have changed his character and perception of life. This is enough for this court to exercise its discretion in his favor.
5. The sentence of two and a half years imposed by the lower court in each charge is set aside and substituted with an order that the accused to serve a probation term of one (1) year under the supervision of the County Director of probation and Aftercare services, Kakamega County.
6. Let the file be closed.



**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**S.N MBUNGI**

**JUDGE**

**In the presence of :**

Accused – present

Court Prosecutor – Mbonzo

Court Assistant – Elizabeth Ang'onga

