



**Wanjiku v Republic (Criminal Revision E485 of 2023)  
[2024] KEHC 14564 (KLR) (5 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14564 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CRIMINAL REVISION E485 OF 2023  
DO CHEPKWONY, J  
NOVEMBER 5, 2024**

**BETWEEN**

**PATRICK MUCHIRI WANJIKU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This matter is for further hearing of the Respondent’s response to the Notice of Motion application dated 12<sup>th</sup> October, 2023 where the Applicant is seeking to have the 18 months imprisonment he was sentenced for to be substituted with a non-custodial sentence or option of fine.
2. However, as the Respondent’s counsel has addressed court, the warder and the Applicant, sitting at Kamiti Maximum Prison interrupted and indicated that counsel was referring to the wrong file.
3. On being interrupted, the Applicant gives particulars of his case before this court as *E485 of 2023*, which is the file before court. On perusing the court record, it has been established that this is the *Miscellaneous Application No.E485 of 2023* and the application therein is in respect of *Kikuyu SPM Cr. Case No.E627 of 2023*, where the accused was charged with the offence of being in Possession of Bhang and was sentenced to serve eighteen (18) months imprisonment.
4. In view of all this confusion, the matter is deferred with directions that:-
  - a. The prison authority to provide proper particulars of the case the Applicant was convicted for and application that is pending in respect of the said case.
  - b. Probation Order to issue for Applicant at Nairobi Medium Prison.
  - c. Mention on 20<sup>th</sup> November, 2024 for further directions.

It is so ordered.



**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 5<sup>TH</sup> DAY OF NOVEMBER , 2024.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Applicant in person – present

M/S Ndeda counsel for Respondent

Court Assistant - Martin

