

REPUBLIC OF KENYA

HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CR REV E070 OF 2021

STEPHEN KARURI MUIRURI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

COURT

Application considered. I note from record applicant was arrested on 18th October 2019, arraigned in court on 22nd October 2019. He pleaded not guilty to both counts. Case was heard. PW1 was heard. Later a plea of guilty entered. He was convicted and sentenced on 14th October 2020 to four year.

That period is illegal taking into account that the maximum sentence is three years. On that ground alone, I set aside the sentence imposed upon the applicant. I also note that the accused is a first offender. Maximum sentence would be harsh. I reduce the sentence to two years, with effect from the date of arraignment in custody on 18th October 2019, but without remission. He will be released on 18th October 2021.

It is so ordered

RULING DELIVERED VIRTUALLY, DATED AND SIGNED ON THIS 14TH DAY OF JUNE 2021

GRACE L. NZIOKA

JUDGE

In the presence of:

Ms Chege for the Respondent

Applicant present in person

No appearance for the applicant

Ombuna - Court Assistant