

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERUGOYA

CRIMINAL REVISION NO. 8 OF 2020

CHARLES MWANGI NJERI.....APPLICANT

VERSUS

REPUBLIC.....PROSECUTION

(From the original conviction and sentence in Criminal Case No. 117 of 2017

of the Senior Principal Magistrate's Court at Baricho)

RULING

1. The Applicant Charles Mwangi Njeri was charged with the offence of Robbery with violence contrary to **Section 296(2) of the Penal Code** and sentenced to forty years imprisonment at Baricho **PMCC Criminal case No. 117 of 2017**.
2. He appealed at the High Court in Kerugoya in **Cr. Application No. 34/2019** where the court upheld his conviction but allowed the appeal on sentence which was commuted to 18 years imprisonment.
3. The Applicant lodged a second appeal, **Court of Appeal No. 34/2020** on 3rd November, 202 but withdrew it. He proceeded to apply for review of his sentence at the High Court through an application dated 29th October, 2020 and filed on 3rd November, 2020 and sought for review of his re-sentencing ruling when his sentence was reduced to 18 years imprisonment. His grounds for the application are in the form of mitigating factors.
4. I have considered the application. The prosecution did not offer any submissions but left it for court's decision. What the Applicant is seeking is a review/revision of the High court's decision against his appeal where the court reduced his sentence to 18 years from 40 years imprisonment.
5. He has offered no single ground to warrant revision in terms of **Section 333(2) of the Criminal Procedure code**, or any ground at all, save for mitigation, which I believe the learned Judge, Gitari considered in her judgment dated 8th October, 2020.
6. Having been re-sentenced and his sentence reduced, I find no merit in the application. It is dismissed.

DATED AND SIGNED THIS.....DAY OF 2021

HON. J. N. MULWA

JUDGE

DELIVERED AT KERUGOYA THIS 11TH DAY OF NOVEMBER 2021

HON. R. MWONGO

JUDGE