



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**HCCR REV. NO. E001 OF 2021**

**GRACE MUMBUA MBAL.....1<sup>ST</sup> APPLICANT**

**ANGELA KALONDU.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

1. Before me is an application for revision dated 25<sup>th</sup> January 2021 filed by the applicants through counsel J.M. Matata & company, brought under section 363 and 364 of the Criminal Procedure Code (cap.75).
2. The application relates to Kilungu Criminal Case No. 318 of 2020, and the applicants requests this court to examine the trial court record as to its correctness and legality, as it is alleged that the views of the complainants were ignored by the trial court in sentencing.
3. I note that the convict herein Kennedy Ndolo Muli was convicted of threatening to kill and sentenced to serve 2 years' probation, after the trial court ordered filing of a pre-sentence report, and the prosecutor said that he was a first offender.
4. The applicants have now come to court saying that their views as complainants were not considered or taken into account in sentencing by the trial court, while the DPP has submitted that the magistrate exercised his discretion in sentencing properly.
5. The revision powers of this court under the Criminal Procedure Code section 362, 363 and 364 are discretionary. Having perused the record, of the trial court, I find no mistake or error committed by the trial court either in procedure or the law or the order on sentence made.
6. I find no reason to review the sentence of the trial court. Thus the application for review of sentence is hereby dismissed. The sentence meted not being illegal, the request of the applicants for review of sentence cannot succeed.

**DELIVERED, SIGNED & DATED THIS 1ST DAY OF DECEMBER 2021, IN OPEN COURT AT MAKUENI.**

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**GEORGE DULU**

**JUDGE**