



**REPUBLIC OF KENYA**

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

**CRIMINAL REVISION NO. 148 OF 2016**

**LUCIA GICHUKU NJIRU.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**18/01/2017**

Before: Muchemi, J.

**R U L I N G**

1. This file is before me for revision. I have perused it and noted that the applicant was sentenced to 3 years imprisonment for the offence of performing of female genital mutilation contrary to Section 19(1) as read with Section 29 of the Female Genital Mutilation Act. She says that she has served 1½ years and has now reformed. Her prayer before the court is that she wishes to have her sentence revised for she is a single mother with various responsibilities.

2. Section 362 empowers this court to do revision where the trial court has committed an illegality, irregularity, impropriety or any other mistake.

3. In the matter before me, the sentence imposed is within the law. Section 29 provides for imprisonment for a period of not less than three years or a fine not less than Shs.200,000/=.

4. There being no mistake or illegality occasioned by the trial court, I find that this is not a case for revision.

5. Consequently, this application is not competent and is therefore dismissed.

6. The applicant to be served with a copy of this ruling.

**F. MUCHEMI – JUDGE**

**18/01/2017**