



**Dadacha v ODP (Miscellaneous Criminal Application E021 of 2025)  
[2025] KEHC 13932 (KLR) (29 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13932 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT GARSEN  
MISCELLANEOUS CRIMINAL APPLICATION E021 OF 2025**

**JN NJAGI, J**

**SEPTEMBER 29, 2025**

**BETWEEN**

**MUSA GUYO DADACHA ..... APPLICANT**

**AND**

**THE ODP ..... RESPONDENT**

**RULING**

1. The Applicant was convicted for the offence of threatening to kill and was sentenced to serve 4 years imprisonment. The complainant in the case was his own mother. He has now filed an application seeking for review of sentence. The application is based on the ground that he is a family man with two school going children and he is their sole provider. That while serving prison sentence he has qualified as a carpenter and he is now reformed. He seeks that the court converts the sentence meted on him to non-custodial sentence.
2. The court called for a sentence Review Report that was prepared by the principal Garsen Probation Officer Mr. Dennis Mwaniki. The report indicates the family members of the Applicant are against him being released from prison custody as he has had a long history of violence against his family members. That the family members live in constant fear of abuse and violence from the Applicant. Therefore, that releasing him would mean returning a violent and abusive individual to their home that would pose risk to their safety and well-being.
3. The report notes that the Applicant is not remorseful to the commission of the offence and that his primary motive is to get out of prison. Accordingly, the report recommended that the Applicant is not a suitable candidate for sentence review early release or any other form of non-custodial sentence as he suffers from severe substance abuse and propensity for violence that makes him a danger to the community. That he poses a direct and immediate threat to the physical and psychological well-being of his mother and other family members.



4. I have considered the grounds in support of the application and the contents of the Sentence Review Report. It is clear that the Applicant has not reformed and he poses a threat to his mother and his other family members. The Applicant has for a long time exhibited violence towards the said family members. He is not suitable for a non-custodial sentence. The application is consequently dismissed.

**DELIVERED, DATED AND ISSUED AT GARSEN THIS 29<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**J. N. NJAGI**

**JUDGE**

In the presence of:

Ms Mkongo for Respondent

Petitioner: Present GK Prison Malindi

Court Assistant - Rahma

