



**Mutirithia v Republic (Criminal Revision E081 of 2024)
[2025] KEHC 14933 (KLR) (Crim) (16 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14933 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ISIOLO
CRIMINAL
CRIMINAL REVISION E081 OF 2024
SC CHIRCHIR, J
OCTOBER 16, 2025**

BETWEEN

JULIUS GITONGA MUTIRITHIA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant, was charged at the Isiolo chief Magistrate’s court, with the offence of being in possession of a firearm, contrary to section 4(2)(a) of the *Firearm Act*, Chapter 114, Laws of Kenya. He was convicted and sentenced to serve a prison term of five (5) years.
2. The Applicant has moved to this court through the Notice of Motion dated 29th July 2024, seeking a review of the sentence. He prays that the Honourable Court exercises its authority to consider his mitigating factors and replace the remaining custodial sentence with a non-custodial one, specifically Community Service Order (CSO).
3. The Applicant submits that he is a first offender; he has reformed and that he is deeply remorseful. He pleads for leniency and a second chance at reform. The Applicant seeks to serve the remaining sentence under CSO to enable him to provide for his elderly and widowed father, he further pleads.
4. The Respondent, opposes the Application. Through the Replying Affidavit dated 21st May, 2025, the Respondent states that the trial court took down the mitigation by the Applicant, and properly considered it before meting out the sentence; that the sentence of five (5) years was too lenient, considering that the relevant section of the Firearm Act provides for life imprisonment. The Respondent further submits that the Applicant has failed to demonstrate that the trial court acted on the wrong principles of law while passing the sentence.



Determination

5. The High Court jurisdiction on revision is set out under Section 362 to 367 of the [Criminal Procedure Code](#) (CPC). The mandate, as stipulated under Section 362 of [CPC](#), is to ascertain the legality, correctness or propriety of any order or sentence passed by the subordinate court, or proceedings.
6. In the present case, the Applicant was convicted under Section 4(2)(a) of the [Firearm Act](#), which carries a maximum penalty of life imprisonment. The trial court imposed a sentence of five (5) years. The sentence imposed was therefore lenient. Further the sentence was legal as it was within the law. Further, again, there was nothing improper or incorrect about the sentence.
7. I have perused the record of the trial court and noted that the Applicant's mitigation was taken into consideration. I agree with the Respondent that the offence of illegal possession of a firearm is grave, and thus necessitates a deterrent sentence.
8. Am not convinced that in the light of the prescribed sentence under the [Firearms Act](#), the sentence of 5 years was excessive.
9. In conclusion, I do not find anything illegal, incorrect or improper about the sentence imposed. The Application lacks merit. It is hereby dismissed.

DATED, SIGNED AND DELIVERED AT ISIOLO THIS 16TH DAY OF OCTOBER, 2025.

S. CHIRCHIR

JUDGE.

In the presence of :

Roba Katelo-court Assistant

The Applicant.

Mr. Ngetich for the Resondent.

