



**Nkatha v Republic (Criminal Revision E004 of 2025)
[2025] KEHC 16010 (KLR) (28 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 16010 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT CHUKA
CRIMINAL REVISION E004 OF 2025
RL KORIR, J
OCTOBER 28, 2025**

BETWEEN

SUSAN NKATHA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged in Criminal Case No. E011 of 2021 with the offence of murder contrary to section 203 as read with section 204 of the Penal Code. The charge was subsequently, upon successful plea negotiations, reduced to one of manslaughter contrary to section 202 as read with Section 205 of the Penal Code. She was convicted and sentenced to 14 years' imprisonment by Gitari J on 20th December, 2021.
2. The Applicant has now filed the present Application dated 20th January 2025 seeking revision of her sentence. She specifically seeks to be released to serve a non-custodial sentence or for the court to consider the period served as sufficient.
3. The Application is based on the grounds that she has reformed and acquired industrial skills including dress-making and soap making; that she was remorseful; that she was a first time offender and that; her minor children were suffering.
4. At the hearing of the Application on 17th July 2025, the Applicant submitted that her children were suffering as there was no one caring for them and that a protection and Care file was not opened for them despite the trial court having so ordered. She submitted that she was now well equipped with skills that would enable her fend for herself and children and not engage in any unlawful activity.
5. The Respondents filed submissions in opposition. They stated that the Applicant benefitted from a lenient sentence of 14 years as under section 205 of the Penal Code, she was liable to life imprisonment



for the offence of manslaughter. They further submitted that the trial court had considered all factors in arriving at the sentence.

Analysis and determination

6. I have considered the Application. My reading of the record confirms that the Applicant was initially charged with murder which upon successful plea bargain with the Prosecution, was reduced to manslaughter. She was sentenced to 14 years' imprisonment with the court having considered the circumstances of the case including the mitigation of the Applicant.
7. On record also is the Applicant's appeal to the Court of Appeal. From the documents available, it is not clear to this court whether the said appeal has been prosecuted and with what result. With the paucity of information, I am not persuaded to revise the Applicant's sentence. In so declining, I have borne in mind that sentencing was at the discretion of the trial court.
8. In this case, the trial court was a court of equal and concurrent jurisdiction and if the Applicant was aggrieved with the sentence, the right forum to relook the sentence was the Court of Appeal.
9. In the end, the Application is dismissed.

Orders accordingly.

RULING DELIVERED, DATED AND SIGNED AT CHUKA THIS 28TH DAY OF OCTOBER, 2025.

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R. LAGAT-KORIR

JUDGE

Ruling delivered in the presence of the Applicant acting in person, Ms Rukunga for the Respondent. Muriuki (Court Assistant).

