



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA COUNTY

COURT NAME: MOMBASA HIGH COURT

CASE NUMBER: HCCRREV/E183/2025

MUTHONI KARANGA JUDDY ALIAS JANE WAMBUI GACHERU VS ODP

RULING

(arising criminal case no: 1440 of 2022 at CMS MOMBASA)

BACKGROUND

1. The Applicant, MUTHONI KARANGA JUDY alias JANE WAMBUI GACHERU, was charged before the Chief Magistrate's Court at Mombasa with the following offences:

- i. Making a false document without authority contrary to Section 357(a) of the Penal Code.
- ii. Uttering a document with intent to defraud contrary to Section 357(b) of the Penal Code.
- iii. Forgery contrary to Section 350 of the Penal Code.
- iv. Attempted stealing contrary to Section 268(1) as read with Section 389 of the Penal Code.

2. The Applicant pleaded not guilty and the case proceeded to full trial. On 27th December 2024, she was found guilty and sentenced to two (2) years' imprisonment and upon completion to serve a further two (2) years on probation.

3. At the time of filing this application, she had served approximately one (1) YEAR of the custodial sentence and had twelve (12) months remaining to serve.

THE APPLICATION

4. The Applicant pleads for leniency, stating that she is a single mother and the sole caregiver to her children and her ailing sister who depends on her. Her mother is also unwell and has no one else to care for her.



5. She expressed deep remorse and regret for the offence that led to her conviction, admitting that her actions were driven by greed. She has since undergone rehabilitation and life skills training in prison, including bead-making, crocheting, and floriculture.

6. She further avers that she is now remorseful, has learned from her mistakes, and undertakes to live as a law-abiding citizen. She adds that she is a first offender and has never been involved in any other criminal activity.

7. The Applicant also submits that her health has deteriorated while in custody, rendering her weak and unable to perform her duties effectively. She therefore prays that this Honourable Court sets aside the two (2) years' imprisonment and allows her to serve only the two (2) years on probation.

REVIEW FINDINGS

8. Upon perusal of the trial court record and the Sentence Review Report dated 7th October 2025 prepared by Ms. Rosemary Njonga, the Court notes that the report is positive. It indicates that the Applicant has learned valuable lessons, acquired life skills, and demonstrated commitment to rehabilitation.

9. The Court further observes that the trial court did not specify whether the sentences on Counts I and II were to run concurrently or consecutively. That omission amounted to an error in the sentencing order.

10. The Applicant has now been in custody for approximately one (1) year. The probation officer recommends that the remainder of her term be served under probation supervision.

DETERMINATION

11. I have considered the record, the application, and the probation officer's report. The Applicant is a first offender, has served a substantial part of her sentence, and has shown genuine remorse and rehabilitation.

12. This Court is persuaded that the ends of justice would best be served by granting her an opportunity for reintegration into the community under the supervision of the probation office.

ORDERS

13. Accordingly, the application is hereby allowed. The sentence of two (2) years' imprisonment is substituted with the period already served in custody. The Applicant shall thereafter be placed under probation for a period of one (1) year.

DATED, SIGNED AND DELIVERED AT MOMBASA THIS 14 DAY OF NOVEMBER 2025.

HON. LADY JUSTICE W. K. MICHENI

JUDGE

In the presence of:

IN THE PRESENCE OF;



THE Applicant in person/

FOR THE PROSECUTOR

.MR NGIRI

COURT ASSISTANT

MS BEBORA

"

SIGNED BY/FOR:
HON. LADY JUSTICE WENDY MICHENI



THE JUDICIARY OF KENYA.
MOMBASA HIGH COURT
HIGH COURT CRIMINAL
DATE: 2025-11-16 00:55:47

