



REPUBLIC OF KENYA



**KENYA LAW**  
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**Maina v Republic (Criminal Revision E148 of 2025)  
[2026] KEHC 1567 (KLR) (13 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1567 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
CRIMINAL REVISION E148 OF 2025  
MA ODERO, J  
FEBRUARY 13, 2026**

**BETWEEN**

**PETER MWANGI MAINA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Peter Mwangi Maina has filed this application seeking a review of his sentence.
2. The Applicant had been arraigned at the Mukurwe-ini Law Courts on 13<sup>th</sup> January 2025 on a charge of Assault Causing Grievous Bodily Harm Contrary To Section 234 Of The Penal Code.
3. The particulars of the charge were that  
“On the 3<sup>rd</sup> day of June 2023 at about 2300 hrs at Mweru Sub-Location of Mukurwe-ini Sub-County within Nyeri County you unlawfully and willfully did grievous harm to Peter, Rukenye Kimari”
4. The Applicant entered a Plea of ‘Guilty’ to the charge. The facts were then read out and the applicant maintained his plea of Guilty. The trial court then proceeded to convict the Applicant.
5. Thereafter the Applicant was given an opportunity to mitigate and was eventually sentenced to serve five (5) years imprisonment. The Applicant now seeks a review of the sentence imposed upon him by the trial court. The ODPP opposes the application on grounds that the Applicant was a repeat offender and that given the circumstances of the case the sentence imposed by the trial court was appropriate.



6. The Power of the High Court to review sentences is set out in Section 362 of the Penal Code, Cap, 63 Laws of Kenya which provides as follows:-

“The High Court may call for and examine the record of any criminal proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceedings in any such subordinate court.”

7. The orders which the High Court may make upon revision are provided by Section 364 of the Penal Code.

8. I have carefully perused the record of the proceedings in the Lower Court. I am satisfied that the trial was properly conducted. The applicant entered a plea of guilty to both counts. The facts were read out and the applicant maintained his plea of Guilty. I therefore find that the applicant was properly convicted.

9. The record indicates that a pre-sentence Report was filed in the Lower Court. The report indicated that the Applicant had a previous relevant sentence and he was not found suitable for probation.

10. The medical reports filed in the lower court indicate that the complainant sustained very severe injuries as a result of the assault.

11. I note that Section 234 of the Penal Code provides for a maximum sentence of life imprisonment yet the trial court imposed a five year sentence.

12. All in all I find no merit in this application for review of sentence. The same is hereby dismissed in its entirety. No orders on costs.

**DATED IN NYERI THIS 13<sup>TH</sup> DAY OF FEBRUARY 2026.**

.....

**MAUREEN A. ODERO**

**JUDGE**

