



**Ngari v Republic (Criminal Revision E140 of 2025)  
[2026] KEHC 1568 (KLR) (13 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1568 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
CRIMINAL REVISION E140 OF 2025  
MA ODERO, J  
FEBRUARY 13, 2026**

**BETWEEN**

**CYRUS THAIRU NGARI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant herein Cyrus Thairu Ngari has filed this application seeking a review of his sentence. The Applicant had been charged in the Magistrates Court with the offence of Assault Causing Bodily Harm Contrary To Section 251 Of The Penal Code. The particulars of the charge were that  
  
“On 9<sup>th</sup> day of December 2024 at around 0900 hrs at Kagochi Village in Mathira East Sub-County within Nyeri County willfully and unlawfully assaulted Elizabeth Wambui Ngari occasioning her actual bodily harm.”
2. The Applicant faced a second count of Threatening To Kill Contrary To Section 223(1) Of The Penal Code.
3. The Applicant pleaded ‘Guilty’ to both charges. The facts were read out to him and he maintained his plea of Guilty. The trial court then sentenced the Applicant to a fine of Kshs. 20,000/= and in default to serve one (1) year imprisonment. The Applicant now prays to have the sentence reviewed. The application was opposed by ODPP.
4. 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 provide 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.”

5. The orders which the High Court may make upon revision are provided by Section 364 of the Penal Code.
6. 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. As such I find that the applicant was properly convicted.
7. I have considered the sentence ruling delivered by the trial court on 24<sup>th</sup> July 2025. I find that the same was comprehensive and took into account all relevant issues including the fact that the Applicant was suffering from mental illness.
8. The court did not oppose the maximum sentence and the option of a fine was granted. In my view sentence was not excessive. Finally I find no merit in this application for review. The same is dismissed in its entirety. This file is now Closed.

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

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**MAUREEN A. ODERO**

**JUDGE**

