



**Wanjiku v Republic (Miscellaneous Criminal Application
E033 of 2023) [2026] KEHC 1135 (KLR) (6 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1135 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
MISCELLANEOUS CRIMINAL APPLICATION E033 OF 2023**

MA ODERO, J

FEBRUARY 6, 2026

BETWEEN

JOHN MBURU WANJIKU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant John Mburu Wanjiku has filed this application seeking a review of his sentence. The Applicant had been charged with the offence of Entering into a protected area contrary to Section 102(1) (a) Of The *Wildlife Conservation and Management Act* 2013. Additionally the Applicant was charged with the offence of Dealing in Meat of Wildlife species contrary to Section 98(1) of the *Act* and Count No. 3 of Conveying of a weapon into a protected area contrary to Section 102(1) (f) of the same *Act*.
2. The Applicant entered a plea of 'Guilty' to all three charges. The facts were read out and he maintained his plea of guilty. The applicant was then convicted on his own plea of Guilty.
3. After listening to his mitigation the trial court sentenced the Applicant as follows:-
Count No. 1
Fined Kshs. 200,000/= in default to serve one (1) year imprisonment.
Count No. 2
To serve three (3) years imprisonment.
Count No. 3
Fined Kshs. 200,000/= in default to serve one (1) year imprisonment.
4. The prosecution through the ODPP have opposed the application for review.



5. 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.”

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

7. I have carefully perused the record of the proceedings before the trial court. I am satisfied that the trial was properly conducted. The applicant pleaded guilty to the three charges and maintained the plea of Guilty even after the facts were read out to him. As such I am satisfied that the Applicant was properly convicted.

8. The Applicant was given an opportunity to mitigate after which he was sentenced.

9. I have considered the provisions of the Wildlife Conservation and Management Act and the offences created thereunder. I find that the Act provides for mandatory sentences. As such the sentences imposed by the trial court were lawful.

10. Finally I find no merit in this application for review. The same is hereby dismissed in its entirety.

DATED IN NYERI THIS 6TH DAY OF FEBRUARY 2026.

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MAUREEN A. ODERO

JUDGE

