



REPUBLIC OF KENYA



**Mounde v Republic (Criminal Revision E111 of 2025)  
[2026] KEHC 2719 (KLR) (5 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2719 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E111 OF 2025  
TW CHERERE, J  
FEBRUARY 5, 2026**

**BETWEEN**

**BATHSEBA KWAMBOKA MOUNDE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Before this Court is the Applicant’s undated Notice of Motion seeking revision of sentence and/or consideration for probation. The application is supported by the undated affidavit sworn by the Applicant.
2. The application arises from the proceedings in Nyamira CMC R E732 of 2025, in which the Applicant was charged with and convicted of the offence of cutting down trees contrary to section 334(c) of the Penal Code.
3. Section 334(c) of the Penal Code provides verbatim as follows:

“ Any person who—

(c) cuts down, destroys or injures any tree, sapling or shrub, whether growing wild or planted, without lawful authority, is guilty of a misdemeanour.”
4. The offence for which the Applicant was convicted is a misdemeanour. The punishment prescribed for misdemeanours is set out in section 36 of the Penal Code, which provides:

“ A person guilty of a misdemeanour is liable to imprisonment for a term not exceeding two years or to a fine, or to both.”



5. The record shows that upon conviction, the trial court sentenced the Applicant to one (1) year imprisonment, as reflected in the Amended Warrant of Commitment to Serve Prison Sentence dated 09<sup>th</sup> December 2025.
6. In her application and affidavit, the Applicant states that she is a first offender, remorseful, and has a young family dependent on her. She urges the Court to exercise its revisionary jurisdiction to either reduce the sentence or substitute it with a non-custodial sentence.
7. The Respondent, through the Office of the Director of Public Prosecutions, opposed the application and submitted that the sentence imposed by the trial court was lawful. The Respondent further submitted that the sentence fell within the statutory limits provided under section 334(c) of the Penal Code. It was also the Respondent's position that there was no illegality, impropriety, incorrectness or irregularity demonstrated to warrant the exercise of this Court's revisionary jurisdiction.
8. This Court has carefully considered the application, the supporting affidavit, the trial court record, the warrant of commitment, and the submissions by the Respondent.
9. The jurisdiction of this Court on revision is circumscribed by sections 362 and 364 of the Criminal Procedure Code. The Court may only interfere where the decision, finding, sentence or order is shown to be illegal, incorrect, improper or irregular.
10. From the record, it is evident that the Applicant was properly charged, convicted by a court of competent jurisdiction, and sentenced to a term that is expressly provided for in law.
11. The sentence of one (1) year imprisonment imposed by the trial court was within the statutory limits and cannot be said to be unlawful or manifestly excessive.
12. The matters raised by the Applicant relating to mitigation, remorse, and personal circumstances were issues properly falling within the discretion of the trial court at sentencing and do not, without more, constitute a basis for revision.
13. Revision is not an avenue for this Court to sit as an appellate court or to substitute its discretion for that of the trial court merely because it might have arrived at a different sentence.
14. In the absence of any demonstrated illegality, impropriety, or material irregularity in the proceedings or sentence, this Court finds no basis upon which to interfere.
15. The undated notice of motion seeking revision of sentence is thus found to be without merit and it is hereby dismissed.

**DELIVERED AT NYAMIRA THIS 05<sup>TH</sup> DAY OF FEBRUARY 2026.**

**WAMAE.T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Hilda

Applicant - Present in person

For ODPP - Ms. Mochama

