

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MURANG'A**  
**HIGH COURT CRIMINAL REVISION NO. E220 OF 2024**  
**(CONSOLIDATED WITH E221 OF 2024 & E028 OF 2025)**

**HENRY MWORIA MWANGI.....1<sup>ST</sup>**  
**APPLICANT**

**MORRISON KIAMBA KAHURA.....2<sup>ND</sup>**  
**APPLICANT**

**MERCY WANJIRU KARANJA.....3<sup>RD</sup>**  
**APPLICANT**

**VERSUS**

**REPUBLIC.....**  
**RESPONDENT**

**RULING**

1. This is an application for review of sentence under section 362 of the Criminal Procedure Code. The matter arises from the Magistrates Court in Kangema Criminal case no.E539 of 2021. The Applicants were tried and convicted of the stealing by servant contrary to **Section 281 and 268(1) as read with Section 275 of the Penal Code**. They were sentenced to three (3) years imprisonment on 2<sup>nd</sup> May 2024.
2. The Applicants applied to this Court separately for review of sentence in in Criminal Revision files nos. E220, E221 of 2024 and E028 of 2025 vide Notice of Motion Application on diverse dates seeking for revision of their sentence.
3. The Application for revision is supported by the grounds set out on the face and the Applicants' Affidavit wherein they averred *inter alia* that they are seeking for a lenient sentence

and an option of non-custodial sentence in the interest of justice and on humanitarian grounds. It is apparent from the record that

4. The learned counsel for the state made oral submissions to the effect that there were serious aggravating factors during the commission of the offence and that the trial court meted sentence considering that the maximum penalty under the penal code is seven years.
5. The applicants on other hand raised concern that they were left with only one and a half months to completion of their sentence.
6. In considering this application, I will address myself to one issue: whether the application for review is merited.
7. The Court notes that the sentence of imprisonment for a term of three (3) years imposed upon the Applicant reflects utmost leniency on the part of the trial court as the maximum penalty under the penal code is seven (7) years imprisonment.
8. Further, taking to account the aggravating factors during commission of the offence, this Court is satisfied that the sentence of three (3) years imprisonment imposed by the trial Court was fair and just.
9. ***This Court finds and holds that the instant application is not merited. Same is hereby dismissed. The Applicants are directed to serve the remainder of his sentence.***

***Dated, Signed and Delivered virtually this 9<sup>th</sup> day of April, 2026.***

**HON. T. W. OUYA  
JUDGE**

**Applicants - in person present virtually**  
**Respondent - No appearance**  
**Court Assistant - Nyabuto**

ORIGINAL