



Mwangi & 2 others v Republic (Criminal Revision E220 & E221 of 2024 & E028 of 2025 (Consolidated)) [2026] KEHC 4575 (KLR) (9 April 2026) (Ruling)

Neutral citation: [2026] KEHC 4575 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL REVISION E220 & E221 OF 2024 & E028 OF 2025 (CONSOLIDATED)**

TW OUYA, J

APRIL 9, 2026

BETWEEN

HENRY MWORIA MWANGI 1ST APPLICANT

MORRISON KIAMBA KAHURA 2ND APPLICANT

MERCY WANJIRU KARANJA 3RD APPLICANT

AND

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 2nd 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. I have considered the applicants' application together with the record and the available evidence. It is apparent from the record that the Applicant did exercise his right of appeal in this court although differently constituted vide High Court Criminal Appeal No. E027 of 2018 where his application for or review of sentence was dismissed vide judgement dated 2nd May 2023.



5. The learned counsel for the state made oral submissions to the effect that there were serious aggravating matters 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.
6. The applicants on other hand raised concern that they were left with only one and a half months to completion of their sentence.
7. In considering this application, I will address myself to one issue: whether the application for review is merited.
8. 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.
9. Further, taking into 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.
10. In the event, 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 9TH DAY OF APRIL, 2026.

HON. T. W. OUYA

JUDGE

Applicants – in person present virtually

Respondent – No appearance

Court Assistant - Nyabuto

