

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT CHUKA
CRIMINAL REVISION NO. E005 OF 2026

EVANS

MUTUGI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

R U L I N G

1. Evans Mutugi (Applicant) filed the present undated Application seeking revision of his sentence. His Application is based on grounds that he was charged in Chuka Chief Magistrate’s Court Criminal Case No. E822 of 2025 for the offence of cultivating prohibited plants contrary to section 6(a) of the Narcotic drugs and Psychotropic substances Control Act No. 4 of 1994. That upon his plea of guilty he was sentenced to 12 months imprisonment. That he was a student and prayed to be discharged in order to resume his education.

2. I called for the trial record as required by section 362 of the Criminal Procedure Code which provides:-

“362. 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 of any such subordinate court.”

3. The record shows that the Applicant was charged as stated above. He pleaded guilty. The facts of the charge which he stated were true were that:-

“On 30th December 2025 at 11.00 am the Assistant Chief of Kathatwa Sub-location received a tip off that the accused person was cultivating bhang. So he proceeded to

accused person's home. They conducted a search and found 41 seedlings of cannabis planted inside a tyre. They handed him over at Kibugua Police Station and handed the exhibit to the police (Court: P Exhibit 1)"

4. The trial court sentenced the Applicant to 12 months imprisonment having noted from the Probation officer's report, filed in court on 14th January 2026, that the Applicant was not remorseful and abused drugs which had led to his anti-social behaviour and further to his dropping out of university.

5. *Prima facie* there was no irregularity in the proceedings and the sentence was lawful and lenient.

6. At the hearing of the revision Application on 30th April 2026, the Applicant told the court that he was an on-going student at Jaramogi Oginga Odinga University. That he was remorseful and regretted having fallen into wrong company which distracted him from his studies and led to conflicts with his parents, which he regretted.
7. The Applicant pleaded with the court to discharge him so that he could go back to school. He said that he was 22 years' old.
8. The Application was not opposed by the State. Ms Rukunga learned Prosecution Counsel told the court that the Applicant's mother (who was present in court) had shown willingness to support his rehabilitation and return to school.
9. I have considered the Application. The Applicant appeared remorseful. The supporting documents

confirm that he is a 4th year Bsc in Construction Management student at the Jaramogi Oginga Odinga University of Science and Technology. That he had mental health challenges arising from drug abuse and had been granted time off studies to seek treatment.

10. I am satisfied that the Application is merited. The Applicant has already served part of his custodial sentence. I find the period served sufficient.

11. The Applicant is set as liberty forthwith unless otherwise lawfully held.

Orders accordingly.

**Ruling delivered, dated and signed at Chuka
this 11th
day of May, 2026.**

.....
R. LAGAT - KORIR

JUDGE

**Ruling delivered in the presence of Applicant
acting in person, Ms Rukunga for the Republic;
Muriuki (Court Assistant)**

ORIGINAL