



REPUBLIC OF KENYA



**Republic v Mwasaru (Criminal Case E017 of 2024)
[2025] KEHC 7097 (KLR) (30 May 2025) (Sentence)**

Neutral citation: [2025] KEHC 7097 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
CRIMINAL CASE E017 OF 2024
AN ONGERI, J
MAY 30, 2025**

BETWEEN

REPUBLIC PROSECUTOR

AND

ELIJAH MZEE MWASARU ACCUSED

SENTENCE

1. The Appellant was charged with the offence of grievous harm contrary to Section 234 of the [Penal Code](#) and he was tried and found guilty and sentenced to 30 years imprisonment.
2. The Appellant appealed to this court and the conviction was upheld but the court found that a 30 years sentence was excessive.
3. This court asked for another pre-sentence report which was filed on 26th May 2025.
4. Unfortunately the said report dated 26th May 2025 is not favourable as the Appellant has not shown any form of reform.
5. I find that the Appellant is not suitable for a non-custodial sentence.
6. The Accused Person has mental challenges and has been undergoing treatment and is known to abuse alcohol.
7. I reduce his sentence from 30 years to 5 years from the 3rd April 2024 when he was sentenced to 30 years.

DATED, SIGNED AND DELIVERED THIS 30TH DAY OF MAY, 2025 IN OPEN COURT AT VOI.

ASENATH ONGERI

JUDGE

In the presence of:-



Court Assistant: Millicent

