



**Mwenda v Republic (Criminal Miscellaneous Application
E028 of 2025) [2025] KEHC 10670 (KLR) (26 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 10670 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CRIMINAL MISCELLANEOUS APPLICATION E028 OF 2025
WM KAGENDO., J
JUNE 26, 2025**

BETWEEN

ERICK MWENDA APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. This ruling is in relation to the Notice of Motion Application seeking the following order:
 1. A review of the sentence pursuant to Section 364 of the Criminal Procedure Code
2. This is on the grounds that:
 1. The 30-year sentence imposed by the high court was harsh and excessive.
 2. The Applicant is remorseful and regrets his mischief.
 3. The Applicant has been in custody for six years since his initial arraignment and he believes that he has reformed and rehabilitated.
3. There was also no status report from the Shimo La Tewa Maximum Prison. The court also asked for a Sentence Review Report severally but none was provided.
4. Under the circumstances, the court has no basis on which it can review the sentence which was lawful and not on the higher side.
5. Accordingly, this Application is, therefore, dismissed for lack of merit.
6. The Applicant is to continue serving his sentence. The file is closed.
7. It is so ordered.



DATED, SIGNED AND DELIVERED AT MOMBASA THIS 26TH DAY OF JUNE 2025

WENDY KAGENDO

JUDGE

Delivered in the Presence of: Applicant

Mr Sirima for the Respondent Bebora Court Assistant

