



**Mwereria v Director of Public Prosecutions (Criminal Revision
E252 of 2023) [2024] KEHC 1757 (KLR) (22 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1757 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL REVISION E252 OF 2023
TW CHERERE, J
FEBRUARY 22, 2024**

BETWEEN

GENESIO MUTWIRI MWERERIA APPLICANT

AND

THE DIRECTOR OF PUBLIC PROSECUTIONS RESPONDENT

RULING

1. Applicant was charged and convicted for attempted murder contrary to section 220(a) of the [Penal Code](#) and Grievous harm contrary to section 234 of the same Act.
2. Applicant was sentenced to serve 10 years imprisonment in each count. It was ordered that the sentences would run consecutively.
3. Applicant seeks review on the ground that the sentences in both counts ought to have run consecutively.
4. The provisions of the [Sentencing Policy Guidelines](#), 2016 (“the Guidelines”) published by the Kenya Judiciary (at para. 7.13) provide that where the offences emanate from a single transaction, the sentences should run concurrently. However, where the offences are committed in the course of multiple transactions and where there are multiple victims, the sentences should run consecutively.
5. From the record, it is apparent that the 1st and 2nd counts were committed on the same date against the same complainant and the sentences thereon ought to have run concurrently.
6. For the foregoing reasons, it is hereby ordered:
 1. The sentences of 10 years in both counts shall run concurrently
 2. The sentences shall be computed from the date of conviction on 27th October, 2020

DELIVERED AT MERU THIS 22ND DAY OF FEBRUARY 2024



WAMAE. T. W. CHERERE

JUDGE

In the presence of:

Court Assistants - Kinoti/Munene

Applicant - In person

For DPP - Ms. Rita (PC-1)

