



REPUBLIC OF KENYA



KENYA LAW
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**Gathoga v Republic (Revision Case E148 of 2024)
[2024] KEHC 3913 (KLR) (23 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3913 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E148 OF 2024
HM NYAGA, J
APRIL 23, 2024**

BETWEEN

SIMON GATHOGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file has been brought up for revision in order to decongest the Nakuru GK Prison.
2. The Applicant was charged with the offence of:

Count I

Assault causing actual bodily harm Contrary to section 251 of the *Penal Code*.

The particulars are that;

On the 15th day of December, 2023 at Nyakinyua Village in Kuresoi North Sub County within Nakuru County unlawfully assaulted Kyle Mwangi thereby occasioning him actual bodily harm.

3. He pleaded guilty and he was sentenced to; Pay a fine of Kshs. 100,000/= in default three one (1) year in jail.
4. The Applicant has served a substantial part of this sentence.
5. The Sentence Review Report by the Probation Officer, Nakuru County found the Applicant suitable for Community Service. It is recommended that he performs the same at Nyakinyua Primary School.



6. I find this case fit for Revision and order that the sentence of the trial court be revised. The Applicant is now to serve the remainder thereof under Community Service at Nyakinyua Primary School for six (6) months.
7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 23RD DAY OF APRIL, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Kipsugut

N/A for state

