



**Gathuri v Republic (Criminal Revision 120 of 2024)
[2024] KEHC 6317 (KLR) (28 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6317 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 120 OF 2024**

DR KAVEDZA, J

MAY 28, 2024

BETWEEN

JOHN KINGWANJA GATHURI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of trafficking in narcotic drugs contrary to section 4(a) of the [Narcotic Drugs and Psychotropic Substances Control Act](#), No. 4 of 1994. He was sentenced to serve one-year imprisonment.
2. He has filed the present application seeking revision of sentence. The grounds raised are that he is sick and suffering from kidney failure. He has already had a kidney transplant. His condition has been aggravated by the harsh conditions in prison. He is struggling to access dialysis treatment which is not available at the facility. He urged the court to consider the three months spent in three months spent in remand custody. He urged the court to revise the sentence of the trial court.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 28TH DAY OF MAY 2024



D. KAVEDZA
JUDGE

