



**Mutua v Republic (Criminal Revision 71 of 2023)
[2024] KEHC 6310 (KLR) (28 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6310 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 71 OF 2023**

DR KAVEDZA, J

MAY 28, 2024

BETWEEN

ABDI JAMES MUTUA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of robbery with violence contrary to section 296(2) of the [Penal Code](#). He was sentenced to serve fifteen (15) years imprisonment.
2. He has filed the present application seeking revision of sentence. The grounds raised are that he is the sole breadwinner in his family. Since his incarceration, his family has suffered psychological trauma. He is remorseful for the offence committed. He has undergone rehabilitation. He urged the court to revise the sentence of the trial court to a non-custodial sentence.
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

