



**Republic v JTK (Criminal Revision E219 of 2024)
[2024] KEHC 9407 (KLR) (29 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9407 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CRIMINAL REVISION E219 OF 2024
DKN MAGARE, J
JULY 29, 2024**

BETWEEN

REPUBLIC APPLICANT

AND

JTK RESPONDENT

RULING

1. The sentence given was 3 years in Kamiti Youth Correction and Training Centre. The same was for 3 years. The maximum period for a correctional centre under the Children’s Act is 4 months.
2. The state applied for review of sentence pursuant to Article 165(6) and (7) of *the Constitution* as read with Section 362, 364(1)(b) and 367 of the *Criminal Procedure Code*. This was to avoid miscarried of justice.
3. I note that both the complainant and the convict were minors at the time of commission of the offence. The convict has already spent 22 days in custody.
4. The most ideal is to correct the sentence to 4 months in a correctional facility.
5. However, given that he has already spent a full 21 days in police cells, I shall convert the remainder of the period to 4 months probation.
6. The reasons given in the probation report are not sufficient to deter probation.
7. Consequently the committal for 3 years in a youth correctional facility is illegal. It is set aside and replaced with 4 months probation.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 29TH DAY OF JULY, 2024. RULING
DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE



JUDGE

In the presence of:-

Ms. Kaniu for the State

No appearance for the Applicant

Court Assistant – Jedidah

