



**Rono v Republic (Criminal Revision E423 of 2024)  
[2024] KEHC 14965 (KLR) (29 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14965 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E423 OF 2024  
RN NYAKUNDI, J  
NOVEMBER 29, 2024**

**BETWEEN**

**KEVIN RONO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

**Representation:**

Mr. Mugun for the state

1. The applicant was charged with the offence of stealing contrary to section 268 as read with Section 275 of the Penal Code.
2. The applicant pleaded guilty to the offence and as a consequence, he was convicted on his own plea of guilty and sentenced to 18 months' imprisonment.
3. The applicant is before this court pursuant to sections 357,362,364& 382 of the Criminal Procedure Code as construed with Article 50(2) (p) & (q) as conjunctively read with Article 50(6)(a) &(b) of the Constitution.
4. The applicant seeks a sentence review relying on the sentence review report on record. The report is favorable. The circumstances of the applicant as recorded in the report are that he is a class seven drop out and has been engaging in casual jobs for a living. That he has a supportive family that has been concerned of him for the time he has been in prison and they are ready to help him resettle in the community. It is reported that while in prison, the applicant has been working at a vegetable farm. He has acquired skills in horticulture that he can put in practice to earn a living back in the community.
5. The report concluded that the applicant owns up the offence committed and he is remorseful. He has served a third of his sentence and has undergone rehabilitation. The probation officer recommended



that he be placed on Community Service Order for the remaining period of his sentence (5 months) at Chebarus dispensary.

6. This court in deciding on whether to impose a non-custodial sentence or not, is required to consider the following factors: Gravity of the offence, criminal history of the offender, character of the offender, protection of the community, offender's responsibility to third parties.
7. In addition, the *Community Service Orders Act* allows the courts to issue an order requiring the offender to perform community service. This option is available to court when the offender is convicted of an offence punishable by imprisonment for a term not exceeding three years or imprisonment for a term exceeding three years but for which the court determines that any of that term as would be appropriate be served within the community on unpaid public works.
8. Having considered the facts of the case, I am of the considered view that the facts as presented in the present case are a perfect fit for a non-custodial sentence considering that the offender is also young. I believe that the time the applicant has spent in custody has shaped his character and it is only proper that he is guided and counselled through a non-custodial sentence. I believe the non-custodial sentence will go a long way in trying to achieve the objectives of sentencing.
9. Consequently, the effective measure is to have the applicant serve a community service order for the remaining period at Chebarus dispensary. Monthly reports shall be filed in court by the supervisor of the applicant through the probation officer. The same is informed by the fact that there is need to track progress on the effectiveness of the sentence and that any breach of any conditions by the applicant shall attract cancellation of the community service order and have the sentence reverted to custodial sanctions.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 29<sup>TH</sup> DAY OF NOVEMBER, 2024.**

.....

**R. NYAKUNDI**  
**JUDGE**

