



**Shikami alias Alusa v Director of Public Prosecution (Criminal Revision E354 of 2024) [2024] KEHC 15131 (KLR) (26 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15131 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KAKAMEGA  
CRIMINAL REVISION E354 OF 2024  
S MBUNGI, J  
NOVEMBER 26, 2024**

**BETWEEN**

**VICTOR SHIKAMI ALIAS ALUSA ..... APPLICANT**

**AND**

**DIRECTOR OF PUBLIC PROSECUTION ..... RESPONDENT**

**RULING**

1. The accused was sentenced to serve two years' imprisonment for the offence of burglary contrary to section 304(b) of the *Penal Code*. He has served seven (7) months.
2. I have looked at the probation officer's report. He is said to have reformed.
3. The import for revision is to allow offenders who have reformed or who have unique characteristics like health challenges to serve their sentence out of jail or benefit from other lesser sentences.
4. The court in exercising its discretion whether to revise a sentence must be guided by seven factors like among others those I have mentioned herein above but of utmost importance is the interest.
5. I take judicial notice that cases of burglary are prevalent in this region. There is need to protect the public.
6. Though the probation officer's report is favorable, I decline to exercise my discretion in favor of the offender and I do order that he continues to serve the sentence imposed by the lower court.
7. The application for review is declined.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 26<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**S.N MBUNGI**



## **JUDGE**

In the presence of :

Accused – present

Court Prosecutor – Mbonzo

Court Assistant – Elizabeth Angong'a

