



REPUBLIC OF KENYA



**Kuga v Republic (Criminal Revision E534 of 2024)  
[2024] KEHC 14690 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14690 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E534 OF 2024  
PN GICHOHI, J  
NOVEMBER 25, 2024**

**BETWEEN**

**MARK KIMANI KUGA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This file has been brought up for Revision in order to decongest the Nakuru GK prison.
2. The Applicant (Mark Kimani Kuga) was charged in Molo MCCR E1397 of 2024 with the offence of;  
Count I  
House breaking contrary to Section 304 (1) (b) of the *Penal Code*.
3. The particulars are that on the 30<sup>th</sup> day of June, 2024 at 2330 hours at Mtoni Police in Molo Sub County within Nakuru County, with others not before court, broke into a building used as a dwelling house by one Gerald Kige with intent to steal therein.  
Count II  
Stealing contrary to Section 279 (b) of the *Penal Code*.
4. The particulars are that on the 30<sup>th</sup> day of June, 2024 at 2330 hours in Molo Township area in Molo Sub County within Nakuru County, stole one Tv set make Vitron 32 inch, one carpet, assorted pair of shoes, two mobile phones make infinix and Tecno, one electric kettle, two ear pods, two chargers and assorted utensils all valued at Ksh.100,000/= the property of one Gerald Kige.

Count III



Handling stolen goods contrary to Section 322(1)(2) of the *Penal Code*.

5. The particulars are that on the 7<sup>th</sup> day of July, 2024 at Molo area in Molo Sub County within Nakuru County, otherwise that in the cause of stealing, dishonestly retained one pair of shoe make airforce having reasons to believe it to be stolen property of one Gerald Kige.
6. He pleaded guilty and was sentenced to serve two (2) years imprisonment.
7. The Sentence Review Report by the Probation officer, Molo filed on 22<sup>nd</sup> November, 2024 found the Applicant suitable for Community Service. It is recommended that he be placed on Community Service Order for one (1) year at Muchorwe police station.
8. This case is suitable for Revision. The Applicant is now to serve the reminder thereof under Community Service Order for one (1) year at Muchorwe police station.
9. The terms will be explained to him.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2024.**

**PATRICIA GICHOHI**

**JUDGE**

In the presence of:

Mr. Kihara for Respondent

Ruto - Court Assistant

