



**Mutai v Republic (Criminal Revision E511 of 2024)
[2024] KEHC 14751 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14751 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E511 OF 2024
PN GICHOHI, J
NOVEMBER 25, 2024**

BETWEEN

DOMINIC KIPNGETICH MUTAI 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 (Dominic Kipngetich Mutai) was charged with another in Molo MCCR E1584 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 4th Day of August, 2024, at Deloraine village of Visoi Location in Rongai Sub County within Nakuru County, broke and entered into a building used as a dwelling house by Brian Leshan with intent to commit felony.

Count II

Stealing to Contrary to Section 268 as read with section 275 of the [Penal Code](#).

4. The particulars are that on the 4th Day of August, 2024, at Deloraine village of Visoi Location in Rongai Sub County within Nakuru County, stole one solar battery valued at Ksh.8,000/= the property of the said Brian Leshan.
5. He pleaded guilty and was sentenced Count I two (2) years imprisonment and Count II One (1) year imprisonment.



6. The case against his co-accused was withdrawn under section 204 of the *Criminal Procedure Code* and he was acquitted.
7. The Sentence Review Report by the Probation officer, Molo dated 20th November, 2024 has now confirmed that the Applicant not suitable for a non- custodial sentence since the home environment is still hostile and his parents oppose his release.
8. In the circumstances the Applicant is ordered to continue serving the prison sentence.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 25TH DAY OF NOVEMBER, 2024.

PATRICIA GICHOHI

JUDGE

In the presence of:

Mr. Kihara for Respondent

Ruto - Court Assistant

