



**Shivan v Republic (Criminal Revision E514 of 2024)
[2024] KEHC 14692 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14692 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E514 OF 2024
PN GICHOHI, J
NOVEMBER 25, 2024**

BETWEEN

DENIS SHIVAN 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 (Denis Shivan) was charged in Molo MCCR E1363 of 2024 with the offence of House breaking contrary to Section 304(1)(b) and stealing contrary to Section 279 (b) of the [Penal Code](#).
3. The particulars are that on the 28th Day of June, 2024 at Bama, in Rongai Sub County, within Nakuru County, broke and entered the building used as a dwelling house by Moses Kiarie Kariu, and stole, assorted metals valued at Ksh.10,500/=, 2 cooking gas of 6 kgs valued at Ksh.7,000/= and 6 kgs of nails valued at Ksh.900/=, all valued at Ksh.12,100/= the property of the said Moses Kiarie Kariu.
4. In the alternative charge Handling stolen goods contrary to section 322(1)(2) of the [Penal Code](#).
5. He pleaded guilty and was sentenced to serve three (3) years imprisonment.
6. The Sentence Review Report by the Probation officer dated 20th November, 2024 has now confirmed that the Applicant not suitable for a non- custodial sentence since he has been very problematic and despite their efforts to help him turn a new leaf, they have been unsuccessful. The complainant also stated that she is not convinced that the inmate has reformed within the 4 months he has served in prison. The area local administration also stated that the inmate is a notorious criminal in the community and would recommend that he continues serving his sentence as he would be in danger from community members if released.
7. In the circumstances this is not a suitable case for revision. Applicant to serve his 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

