



**Wambweye v Republic (Criminal Revision E502 of 2024)
[2024] KEHC 14668 (KLR) (25 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 14668 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CRIMINAL REVISION E502 OF 2024
PN GICHOHI, J
NOVEMBER 25, 2024**

BETWEEN

SAMUEL AMUKOA WAMBWEYE 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 (Samuel Amukoa Wambweye) was charged with a co-accused (Francis Okal Manase) in Molo *MCCR E1159 of 2024* with the offence of;

Count I

Church breaking contrary to Section 306 (a) of the Penal Code.

3. The particulars are that on the 20th May, 2024 at about midnight at Londiani Township in Londiani Sub County within Kericho County, jointly broke into a Church belonging to Kenya Assemblies of God (KAG).

Count II

Stealing contrary to Section 268 as read with Section 275 of the Penal Code.

4. The particulars are that on the night of 20th May, 2024 at Londiani Township in Londiani Sub County within Kericho County, jointly stole 2 Yamaha pianos, 1 sound mixer, 4 microphones, 1 wireless microphone receiver, 2 speaker cables, 1 tin of four litres crown paint, 1 complete 6 kgs afrigas meko, a 90kgs sack of maize, a thermos, three sufuria and four plastic cups valued at Ksh.235,700/= the property of Kenya Assemblies of God (KAG) Church.



Alternative Charge

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

5. The particulars are that on the night of 22nd May, 2024 at Londiani Township in Londiani Sub County within Kericho County, otherwise than in the course of stealing retained 2 Yamaha pianos, 1 sound mixer, 4 microphones, 1 wireless microphone receiver, 2 speaker cables, 1 tin of four litres crown paint, 1 complete 6 kgs afrigas meko, a 90kgs sack of maize, a thermos, three sufuria and four plastic cups knowing or having reason to believe them to be stolen goods.
6. They pleaded guilty and each of them was sentenced to serve three (3) years imprisonment on each count both to run concurrently.
7. The Sentence Review Report by the Probation officer, Molo filed on 20th November, 2024 found the Applicant suitable for Community Service. It is recommended that he be placed on Community Service Order for six (6) months at Londiani police station.
8. This case is suitable for Revision. The Applicant is now to serve the remainder thereof under Community Service Order for six (6) months at Londiani police station.
9. The terms will be explained to him.

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

