



REPUBLIC OF KENYA



KENYA LAW
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**Kariuki v Republic (Criminal Revision E188 of 2022)
[2023] KEHC 1467 (KLR) (28 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 1467 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CRIMINAL REVISION E188 OF 2022
GL NZIOKA, J
FEBRUARY 28, 2023**

BETWEEN

PATRICK KARIUKI ALIAS HOOFMAN APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I note that, the Probation officer's report is on record, I have gone through the same and I find that it is positive. It is however clear that, the sentence imposed is legal, although on count 2, the 3 years is rather harsh. I therefore revise it as follows;-
 - a. The period of 12 months to remain but take into account the period the applicant was in custody from August 12, 2021. In that case, the sentence on count 1 is served.
 - b. The fine on count 2, is retained save the default period is reduced to two years. Again that will take into account the period the applicant was in custody from August 12, 2021 to August 2, 2022 when he was sentenced. Therefore one year of the two years will not attract remission. However, the last one year shall attract remission (if any) in which case, the applicant will serve 8 months which should end April 2, 2023. As regards, the last count I believe the six (6) months is already served. The applicant's committal records shall read accordingly and amended to enable his release on April 2, 2023.
 - c. It is so ordered

DATED, DELIVERED AND SIGNED THIS 28TH FEBRUARY, 2023

GRACE L. NZIOKA

JUDGE

In the presence of:-



Applicant present virtually

Mr. Atika for the state

Ms Ogutu-Court Assistant

