



**Too v Republic (Criminal Revision E465 of 2022)  
[2023] KEHC 3745 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3745 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E465 OF 2022  
HM NYAGA, J  
APRIL 27, 2023**

**BETWEEN**

**BERNARD KIBET TOO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

**RULING ON REVISION**

1. The Applicant Bernard Kibet Too was charged with the two counts: -
  - 1 Count 1- Attempted Murder Contrary to Section 220(a) of the *Penal Code*.  
The particulars were that on 9<sup>th</sup> May 2021 at Burigei Village Kedowa Location in Londiani Sub-County within Kericho County wilfully and unlawfully attempted to cause the death of Norah Chepkemoi by stabbing her on the Abdomen, ribcage and the back several times using a Kitchen Knife.
  - 2 Count 2- Attempted suicide contrary to Section 226 as read with section 36 of the Penal Code.  
The Particulars were that on 9<sup>th</sup> May,2021 at Burigei Village Kedowa Location in Londiani Sub-County within Kericho County wilfully and unlawfully attempted to kill himself by stabbing his neck using a knife.
2. On 12<sup>th</sup> May,2021 he pleaded guilty to each offence and he was convicted on his own plea of guilty and sentenced to serve 5 years in prison for count one and discharged under Section 35(1) of the Penal Code for Count 2.
3. The Applicant has so far served about 1 year 10 months’ in prison. This file was placed before me for revision under the prison decongestion exercise ,



4. The sentence Review Report by Julia Isomi filed in this Court on 16<sup>th</sup> March, 2023 indicates that the Applicant's family is willing to welcome him home while the Victim relocated to unknown place. The prison officers describe the convict as a person of good character and state that he has been counselled accordingly. It is recommended that he is suitable for a non-custodial sentence.
5. In light of the above report and in order to decongest the prison, the Applicant should be placed on CSO for the remainder of sentence in the office of the Chief at Lengabei.

**DATED, SIGNED & DELIVERED AT NAKURU THIS 27<sup>TH</sup> APRIL, 2023.**

**H.M. NYAGA**

**JUDGE**

**In the presence of:**

**C/A Jeniffer**

Ms Murunga for state

Applicant present

