



**Butsentse & another v Republic (Criminal Revision E038 of 2023)
[2023] KEHC 19625 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19625 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E038 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

JOEL MULYULI BUTSENTSE 1ST APPLICANT

JAMES ELKIDOR ARAP TARUS 2ND APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicants were convicted on their own plea of guilty for the offence of theft of a motorcycle contrary to section 278A of the *Penal Code* while the 1st Applicant was charged with a second count of being unlawfully present in Kenya contrary to section 53 (1) (j) as read with section 53 (2) of the *Kenyan Citizenship and Immigration Act* of 2011. The trial court sentenced each of them to pay a sum of Kshs 50,000/= as compensation to the Complainant or in default, to serve one-year imprisonment. The letter by Kennedy Okemwa the County Probation Director dated June 15, 2023 indicates that the Applicants were released from Kisii GK Prison on June 4, 2023 upon completion of their prison sentences. It is hereby directed that this Revision file be closed.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 29TH DAY OF JUNE 2023.

W.A. OKWANY

JUDGE

