



REPUBLIC OF KENYA



**Makori & another v Republic (Criminal Revision E073 of 2023)  
[2023] KEHC 19614 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19614 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E073 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**WYCLIFF MOKAYA MAKORI ..... 1<sup>ST</sup> APPLICANT**

**ALEX ONYANCHA NGARE ..... 2<sup>ND</sup> APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates' Court at Nyamira,  
Criminal Case No. E1200 of 2022 by Hon. B. Okong'o, Resident Magistrate on 1st March 2022)*

**RULING**

1. The Applicants were convicted on their own plea of guilty for the offence of stealing motorcycle parts contrary to section 279 (g) of the *Penal Code*. The trial court sentenced each Applicant to pay a fine of Kshs 20,000/= and compensate the complainant the sum of Kshs 144,651/= equally of in default to each serve 3 years imprisonment. The 1<sup>st</sup> Applicant has already served 3 months in custody while the 2<sup>nd</sup> Applicant has served 2 months in custody. The Sentence Review Report filed on June 13, 2023 by Ng'etich Nicholas Kibet and Nelson Mandela the Probation Officers, in respect of the 1<sup>st</sup> Applicant and 2<sup>nd</sup> Applicants respectively, recommend a non-custodial sentence. I hereby direct that the Applicants serve a Community Service Order at Ekerenyo Police Station under the supervision of the OCS, Ekerenyo for the remaining part of their sentences as meted by the trial court.

Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 29<sup>TH</sup> DAY OF JUNE 2023.**

**W.A. OKWANY**

**JUDGE**

