



REPUBLIC OF KENYA



KENYA LAW
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**Mokaya v Republic (Criminal Revision E040 of 2023)
[2023] KEHC 19629 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19629 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E040 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

BRIAN MATUTU MOKAYA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief
Magistrates' Court at Nyamira, Criminal Case No. E1211 of 2022
by Hon. W.K. Chepseba, Chief Magistrate on 1st December 2022)*

RULING

1. The Applicant were convicted on their own plea of guilty for the offence of stealing contrary to section 268 as read with section 275 of the *Penal Code*. The trial court sentenced each of him to serve 1 year imprisonment. The letter by Kennedy Okemwa the County Probation Director dated June 15, 2023 indicates that the Applicant was released from Kisii GK Prison on May 28, 2023 on Presidential pardon. In the unlikely event that he is still in custody, it is hereby directed that he be released forthwith unless he be held for any other lawful cause. The revision file is hereby closed.

Orders accordingly.

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

W.A. OKWANY

JUDGE

