



REPUBLIC OF KENYA



**KENYA LAW**  
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**Monaya v Republic (Criminal Revision E018 of 2023)  
[2023] KEHC 19843 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19843 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E018 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**BENSON NYONGOTO MONAYA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Magistrates' Court at Keroka, Criminal Case No. E122 of 2023 by Hon. B.M. Kimtai Senior Principal Magistrate on 15th March 2023.)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for the offence of assault causing actual bodily harm contrary to section 251 of the *Penal Code* and malicious damage to property contrary to section 339 (1) of the Penal Code. The trial court sentenced him to serve 9 months imprisonment for each count. He has already served 3 months in custody. The Sentence Review Report filed on 14<sup>th</sup> June 2023 by Ng'etich Nicholas Kibet, the Probation Officer recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at the Nyansiongo Chief's Office under the supervision of the Assistant Chief Mr. John Mochama for the remaining part of the sentence 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**

