



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Mong'are v Republic (Criminal Revision E076 of 2023)
[2023] KEHC 19799 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19799 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E076 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

RODGERS ONSOMU MONG'ARE APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief Magistrates'
Court at Nyamira, Criminal Case No. E188 of 2023 by Hon.
C.W. Waswa, Senior Resident Magistrate on 13th February 2023)*

RULING

1. The Applicant was charged and convicted on his own plea of guilty of the offence of stealing contrary to section 268 as read with section 275 of the *Penal Code*. The trial court ordered him to compensate the victim in the sum of Kshs. 100,000/= or in default to serve 2 years imprisonment. The Applicant has already served 3 months in custody. The Sentence Review Report filed on 13th June 2023 by the Probation Officer Dickson Kairu recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Kenyambi Primary School under the supervision of the school Headteacher for the remaining part of the sentence.

Orders accordingly.

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

W.A. OKWANY

JUDGE

