



REPUBLIC OF KENYA



**Tengeya v Republic (Criminal Revision E075 of 2023)
[2023] KEHC 19811 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19811 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E075 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

DAVID ACHIRA TENGEYA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief Magistrates’
Court at Nyamira, Criminal Case No. E407 of 2023 by Hon. C.W.
Waswa, Senior Resident Magistrate on 24th April 2023)*

RULING

1. The Applicant was charged with the offence of stealing contrary to section 268 as read with section 275 of the [Penal Code](#) and handling stolen goods contrary to section 322 (1) and (2) of the [Penal Code](#). He was convicted on his own plea of guilty. The trial court ordered him to compensate the victim in the sum of Kshs. 50,000/= or in default to serve 3 years imprisonment. The Applicant has already served 1 month in prison. The Sentence Review Report filed on June 13, 2023 by the Probation Officer Dickson Kairu recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Nyagokiani Secondary School under the supervision of the school Principal for the remaining part of the sentence.
- 2 Orders accordingly.

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

W.A. OKWANY

JUDGE

