



**Kaaria v Republic (Revision Case E603 of 2022)
[2023] KEHC 21063 (KLR) (31 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21063 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E603 OF 2022
SM MOHOCHI, J
JULY 31, 2023**

BETWEEN

LINUS MWITI KAARIA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The application for Criminal Revision has been placed before this Court for consideration.
2. The Court has called for and reviewed the entire record in Molo Criminal Case No E3142/21 to satisfy itself as to the correctness, legality and propriety of the sentence.
3. The Applicant was imprisoned for four (4) years for the offence of stealing a motor cycle contrary to Section 278A of the *Penal Code*.
4. A favourable probation service report was prepared signed by Murithi Kiraithe dated February 1, 2023 recommending that the Applicant be considered for Community Service Order to serve at the Elburgon account's office.
5. The Court thus varies the imprisonment sentence and substitutes thereof with an order for community service for the remainder of sentence.

It is so ordered.

SIGNED, DATED AND DELIVERED IN OPEN COURT AT NAKURU ON THIS 31ST JULY 2023.

MOHOCHI S.M



JUDGE

In the presence of: -

Court Assistant – Schola

State Counsel – Ms. Mburu

