



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Eshula v Republic (Criminal Revision E034 of 2022)  
[2022] KEHC 12811 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12811 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E034 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**BENARD NJISII ESHULA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application seeking sentence review, arising from conviction  
and sentence in Bondo PM Magistrates' Court Criminal Case No.  
E028/2022 by Hon. J.P. Nandi, Principal Magistrate on 19/1/2022)*

**RULING**

1. The convict Benard Njisii Eshula was convicted on his own Plea of guilty for the offence of stealing by servant and sentenced to serve 12 months imprisonment.
2. Initially, the Presentence report was negative on non-custodial sentence. However, the Sentence Review Report filed in court on 2/8/2022 is positive on the convict who is said to be remorseful and regrets the offence. He has a family dependent on him comprising a wife and three children. His wife just delivered a new born. His family is ready to receive him and assist him settle. He is a painter and stole from his employer.
3. The Probation Officer recommends community service at Khwisero High School.
4. Having considered the Sentence Review report on the convict, I hereby order that the convict Benard Njisii Eshula shall be released from prison forthwith to serve closely supervised unpaid community service at Khwisero High School from the date of his release, for a period of four (4) months, under the supervision of The Probation Officer, Butere.
5. File closed.
6. Orders accordingly.



**DATED, SIGNED AND DELIVERED AT SIAYA THIS 8TH DAY OF AUGUST, 2022**

**R.E. ABURILI**

**JUDGE**

