



REPUBLIC OF KENYA



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

**Etyang v Republic (Criminal Revision E052 of 2022)
[2022] KEHC 10836 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10836 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E052 OF 2022**

**JN KAMAU, J
AUGUST 2, 2022**

BETWEEN

MOSES ETYANG APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of Stealing contrary to Section 279 (b) of the *Penal Code* Cap 63 (Laws of Kenya). He was also charged with an alternative charge of handling stolen goods contrary to Section 322 (1) (2) of the *Penal Code*. He was arrested on 5/1/2022 and arraigned in court on 6/1/2022 when he pleaded guilty to the charges and was convicted and sentenced to three (3) years imprisonment. His early release date by the Prison is 6/1/2014. He has only spent seven (7) months in prison. The Report by Bernard O. Musitia Probation/Community Service Officer dated 25/7/2022 has recommended a non-custodial sentence on Probation. The Applicant has only served a short period of his sentence. I therefore decline to review his sentence and direct that he continues serving his sentence in custody. He is at liberty to make a fresh application at an appropriate time for consideration by the court. Orders accordingly.

DATED and DELIVERED at BUSIA on this 2ND day of AUGUST 2022.

J. KAMAU

JUDGE

