



REPUBLIC OF KENYA



KENYA LAW
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**Barasa v Republic (Criminal Revision E049 of 2022)
[2022] KEHC 10945 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10945 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E049 OF 2022**

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

BETWEEN

AMOS SIFUNA BARASA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of having suspected stolen property contrary to Section 323 of the [Penal Code](#) cap 63 (Laws of Kenya). He was convicted and sentenced to serve two (2) years imprisonment to run from the date of the plea on 22/2/2022 on 3/3/2022. The Report of Muniel Godwin John Probation/Community Service Officer that was filed on 29/7/2022 did not recommend his release on a non-custodial sentence as the Applicant was a habitual offender, a fact that the Learned Trial Magistrate observed at the time of sentencing him. Accordingly, I hereby decline to review the sentence and direct that the Applicant 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

