



REPUBLIC OF KENYA



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

**Wekoba v Republic (Criminal Revision E054 of 2022)  
[2022] KEHC 10963 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10963 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E054 OF 2022**

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

**BETWEEN**

**MOHAMMED WEKOBA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged with the offence of preparation to commit a felony contrary to section 308 (1) of the *Penal Code* Cap 63 (Laws of Kenya). The learned Trial Magistrate considered that he was repeat offender and sentenced him to three (3) years imprisonment on 13/7/2021. The early release date by Prison was 13/7/2023. The Report by Abdirashid Osman Probation Officer/Community Service Officer that was filed on 29/7/2022 did not recommend the Applicant's release on a non-custodial sentence as the Prison authorities' described him as a bad person who could not benefit from a non-custodial sentence. His aunt was also not happy with him. Accordingly, I hereby decline to review the sentence and direct that the applicant continues to serve his sentence in custody. He is at liberty to make a fresh application at the appropriate time for consideration by the court. Orders accordingly.

**DATED AND DELIVERED AT BUSIA ON THIS 2ND DAY OF AUGUST 2022.**

**J. KAMAU**

**JUDGE**

