



REPUBLIC OF KENYA



KENYA LAW
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**Barasa v Republic (Criminal Revision E079 of 2022)
[2022] KEHC 10961 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10961 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E079 OF 2022
JN KAMAU, J
AUGUST 1, 2022
(ORIGINALLY CR CASE NO 261 OF 2013)**

BETWEEN

MOSES MUTEI BARASA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of robbery with violence contrary to Section 295 as read with Section 296 (2) of the *Penal Code Cap 63* (Laws of Kenya). He had also been charged with an alternative charge of handling property contrary to Section 322 (2) of the Penal Code. He was convicted on the alternative charge on 1/8/2013 and sentenced to fourteen (14) years without option of a fine on the same date. He was arrested on 27/2/2013 and admitted to bail on 27/2/2013. His early release date as per Prisons is 2/12/2022. He does not appear to have been released on bail and was in custody for six (6) months from the date of his arrest to the date of conviction. In line with Section 333 (2) of the *Criminal Procedure Code Cap 75* (Laws of Kenya), he has already completed his sentence as the remaining period of his sentence is four (4) months. I do not therefore find him suitable to be subjected to community service order as was recommended in the Report of Fredrick Otieno Probation/Community service order filed on 29/7/2022 and direct that the Applicant be and is hereby released from custody unless he be held for any other lawful cause. Orders accordingly.

DATED AND DELIVERED AT BUSIA ON THIS 1ST DAY OF AUGUST 2022.

J. KAMAU

JUDGE

