



**Makokha v Republic (Criminal Revision E040 of 2022)
[2022] KEHC 11201 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11201 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E040 OF 2022
JN KAMAU, J
AUGUST 1, 2022
(ORIGINALLY CR CASE NO E2689 OF 2021)**

BETWEEN

GODFREY MAKOKHA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with three (3) counts of malicious damage to property contrary to Section 339(1) of the Penal Code Cap 63 (Laws of Kenya).
2. Creating a disturbance contrary to Section 95 (1) (b) of the Penal Code and Assaulting a police officer contrary to Section 103 (a) as the *National Police Service Act*, 2011. He pleaded guilty having been arraigned in court on 8/10/2021. He was sentenced to 3 months, and 3 years on the three (3) counts respectively. The sentences were to run consequently. The earliest date of release according to the Prisons is 7/1/2020. The Report by Abdirashid Osman Probation/Community Service Officer filed on 29/7/2022 – recommended that the Applicant serves the remainder of his sentence at Madende Primary School. Having noted that the Applicant has only spent ten (10) months one (1) day in prison, I am not persuaded that I should allow the review of the sentence. The same be and is hereby rejected. The Applicant is at liberty to file a fresh application at the appropriate time. Orders accordingly.

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

J. KAMAU

JUDGE

