



**Mwezigi v Republic (Criminal Revision E067 of 2022)
[2022] KEHC 11542 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11542 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E067 OF 2022
JN KAMAU, J
AUGUST 1, 2022
(ORIGINALLY CR. CASE NO E060 OF 2022)**

BETWEEN

RODGERS MWEZIGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of stealing contrary to Section 268 (1) as read with Section 275 of the *Penal Code* Cap 63 (Laws of Kenya). He was arrested on 13/1/2022 when he admitted the offence. He was sentenced on 8/2/2022 and directed to serve one (1) year imprisonment. The earliest Release date of the Prisons is 9/10/2022. The Report by Celestine Orao Probation Officer that was dated 25/7/2022 does not recommend his release on community service order as he is a foreigner. Accordingly, I hereby decline to renew his sentence and direct that he completes his sentence in custody. In line with Section 333 (2) of the *Criminal Procedure Code* Cap 75 (Laws of Kenya), the period between 13/1/2022 and 8/2/2022 to be taken into account while computing his sentence. Orders accordingly.

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

J. KAMAU

JUDGE

