



**Langat v Republic (Miscellaneous Criminal Application E031 of 2021)
[2022] KEHC 14587 (KLR) (27 October 2022) (Judgment)**

Neutral citation: [2022] KEHC 14587 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E031 OF 2021
RE ABURILI, J
OCTOBER 27, 2022**

BETWEEN

GEOFFREY LANGAT APPLICANT

AND

REPUBLIC RESPONDENT

*(An Application for sentence reduction against conviction and sentence in
Tamu PM's Criminal Case No. 326/2019 (consolidated with Cr. 346/2019)
delivered on 26/5/2022 by Hon. E.M. Onzere, Senior Resident Magistrate.)*

JUDGMENT

1. The applicant herein is Geoffrey Langat. He was convicted and sentenced to serve 5 years imprisonment for the offence of stock theft contrary to Section 278 of the Penal Code vide Tamu PM's court Criminal Case No. 326/2019, which was consolidated with Cr. 346/2019 vide judgment delivered on 26/5/2020 and sentenced passed on 9/7/2020. From the Charge sheet in the trial court, he was arrested on 17/9/2019 and upon taking plea, he was granted bond of Kshs. 50,000/= with one surety of similar amount or cash balance of Kshs. 20,000/=.
2. The trial court record shows that the applicant was released on bond on 10/11/2019 meaning he was held in custody for close to 2 months prior to his being released on bond.
3. Stock theft is an offence that carries upto 14 years imprisonment.
4. In his application filed in court on 17/3/2021, the convict claims that he was sentenced to serve 20 years which is a mirage.
5. He prays for non- custodial sentence.



6. Prior to sentencing the convict herein, the trial court called for and considered the Presentence Report on the convict which showed that he was a habitual offender who did not deserve non- custodial sentence as he was a notorious theft for livestock.
7. I have considered the application for sentence reduction. This court cannot reduce sentence for the sake of it. It must be shown that it was illegal or on appeal, then the sentence was harsh or excessive in the circumstances. No appeal has been filed challenging the lawfulness or otherwise of that lenient sentence, considering the maximum is 14 years imprisonment under Section 278 of the Penal Code and the bad character of the convict herein who did not deny being a notorious cattle thief. I decline to reduce or to interfere with the lawful lenient sentence imposed on the applicant by the trial court.
8. The only concession I shall give to the convict is that the 5 years imprisonment shall take into account the period between 19/9/2019 when he was arrested and 10/11/2019 when he was released on bond.
9. I so order.
10. This file is hereby closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF OCTOBER, 2022

R.E. ABURILI

JUDGE

