

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CRIMINAL REVISION OF E010 OF 2020

DENNIS MUCHUI.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING ON REVISION

1. This is a ruling on revision of the conviction and sentence in a matter which was identified for revision by the Court in the course of its regular supervisory jurisdiction exercise. The offender herein was sentenced to imprisonment of 12 months from 22/7/2020 for the offence of stealing contrary to *Section 268* as read with *Section 275* of the Penal Code for the theft of a mobile phone valued at Kshs.19,000/=, upon a plea of guilty.
2. By the date of hearing of the revision on 3/2/2021, the offender was on the 7th month of his eight (8) month prison term, with remission under *Section 46* of the Prisons Act, and is due for release from custody on 22/3/2021, less than a month away.
3. The Probation Officer by report dated 4/2/2021 considers the offender suitable for revision and recommends a non-custodial sentence.
4. The DPP does not oppose the revision considering the offender was sentenced to 12 months without an option of a fine and he was a first offender.

Orders

5. All considered, this court takes the view that the offender has been **justly** and **substantially** punished for his offence. Consequently, pursuant to *Section 354 (3) (b)* as read with the enabling *section 364 of Criminal Procedure Code (CPC)* the court reduces the sentence passed by the trial court to the period already served so that the offender is forthwith released from custody, unless he is otherwise lawfully held.

Order accordingly.

DATED AND DELIVERED THIS 11TH DAY OF FEBRUARY, 2021.

EDWARD M. MURIITHI

JUDGE

Appearances:

Ms. Nandwa, Prosecution Counsel for the Respondent.