

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CRIMINAL DIVISION

CRIMINAL REVISION NO.136 OF 2019

ISAIAH ALUODO BELEK.....APPELLANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

The Applicant, Isaiah Aluodo Belek was charged in four (4) different criminal cases. In all the criminal cases, he pleaded guilty to the charges. In **Nairobi CM Criminal Case No.1497 of 2018**, he was charged with three (3) counts of breaking into a building and committing a felony namely **stealing** contrary to **Section 306(a)** of the **Penal Code**. The particulars of the offence were that on 9th August 2018 at Westlands Area he broke into a building known as Pride Inn owned by Shabir Kasam and stole therefrom various electronic equipment belonging to residents in the said building. He was sentenced to serve one and a half (1½) years imprisonment in each of the counts. The sentences were ordered to run concurrently. The sentence was meted out on 3rd September 2018. In **Nairobi CM Criminal Case No.1490 of 2018**, the Applicant was convicted of **stealing** contrary to **Section 268(1)** as read with **Section 275** of the **Penal Code**. The particulars of the offence were that on 29th May 2018, he stole various electronic equipment at KICC Marketing Waiting Bay. He was sentenced to serve one (1) year imprisonment. The sentence was meted out on 18th August 2018.

He was further charged in **Nairobi CM. Criminal Case No.1532 of 2018** for **stealing** contrary to **Section 268(1)** as read with **Section 275** of the **Penal Code**. The particulars of the offence were that on 26th June 2018 at KUSCO Building in Upper Hill Nairobi, the Appellant stole various electronic equipment. He was sentenced to serve eighteen (18) months imprisonment. The sentence was meted out on 5th September 2018. In **Nairobi CM Criminal Case No.1488 of 2018**, the Appellant was charged with **stealing** contrary to **Section 275** of the **Penal Code**. The particulars of the offence were that on 12th June 2018 at Westlands in Nairobi, the Appellant stole several electronic equipment. He was sentenced to serve two (2) years imprisonment on 28th August 2018.

The effect of the various custodial sentences that were meted out by the various courts is that the Appellant will serve a cumulative custodial sentence of six (6) years imprisonment. The Applicant has applied to this court to have the said custodial sentences consolidated so that he can serve one custodial sentence. The prosecution was not opposed to this application. In the premises therefore, the court sets aside all the custodial sentences that were imposed on the Applicant, by the various magistrates' court and substitute's it with one consolidated custodial sentence of this court. The Applicant shall therefore serve three and a half (3½) years imprisonment with effect from 18th August 2018. It is so ordered.

DATED AT NAIROBI THIS 19TH DAY OF DECEMBER 2019

L. KIMARU

JUDGE