

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CRIMINAL REVISION NO. 6 OF 2017

(From Original Conviction and Sentence in Criminal Case No. 1387 of 2016 of the Chief Magistrate's Court at Naivasha, E. Kimilu - PM)

ISAAC CHEGE NDUNGU.....APPLICANT

-VERSUS-

REPUBLIC.....PROSECUTOR

ORDER ON REVISION

1. The Accused/Applicant pleaded guilty and was sentenced in respect of a compound offence of House breaking contrary to Section 304 (1) (b) and Stealing contrary to Section 279 (b) of the Penal Code. However the sentence imposed did not take cognisance of the individual limbs of the offence. The Accused/Applicant has now sought review of his sentence.
2. Having reviewed the lower court file, I have noted the circumstances of the offence and the Accused's/Applicant's adverse antecedents. The Accused/Applicant had just completed a jail term on a similar offence when he committed the present offence. Even so, most of the stolen property which, significantly included police uniform and kit was recovered.
3. Therefore in correcting the sentencing error of the lower court that has come to my attention, and having regard to the circumstances of this case, I would set aside the sentence of five years imprisonment. And substitute therefor a sentence of four (4) years imprisonment on each of the two limbs of the offence. The sentences will run concurrently from the date of the sentencing (15th September, 2016).

Written and signed at Naivasha this 24th day of **March, 2017**.

C. MEOLI

JUDGE