

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL REVISION NO. 280 OF 2015

JUSTUS LUKOYE SANDEAPPLICANT

VERSUS

REPUBLICRESPONDENT

(Being a Revision from the order of Butere Principal Magistrate's Court Criminal Case No.65 of 2015 by Hon. E.S.Olwade, Principal Magistrate on 5th March, 2015)

RULING ON REVISION

1. Justus Lukoye Sande was charged with the offence of stealing contrary to section 275 of the Penal Code. He pleaded guilty to the charge and was convicted on his own plea of guilty. He was sentenced to serve 2 years imprisonment with effect from 5th March, 2015.
2. The matter was referred to this court for revision of the applicant's sentence in accordance with the provisions of section 364 of the Criminal Procedure Code Cap 75, Laws of Kenya.
3. A Probation Officer's report dated 3rd December, 2015 indicates that the applicant has undergone training in building and construction while in prison.
4. The Probation Officer notes that the applicant has reformed and has learnt to obey the law. The said Officer's recommendation is that the applicant is suitable for a non-custodial sentence.
5. Having considered the probation report which is favourable to the applicant, I make orders that the applicant herein, Justus Lukoye Sande, shall serve the remainder of his sentence under community service at Ejuhala Assistant Chief's office for the remainder of his sentence.
6. The applicant shall therefore be released from prison custody forthwith unless he is otherwise lawfully held.

It is so ordered.

DELIVERED, DATED and SIGNED at KAKAMEGA on this 29th day of April, 2016.

NJOKI MWANGI

JUDGE