



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**CRIMINAL REVISION NO. 288 OF 2015**

**LIVINGSTONE OPIENI KAIMOS .....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

*(Being a Revision from the order of Butere Principal Magistrate's Court Criminal Case No.104 of 2015*

*by Hon. E.S.Olwade, Principal Magistrate on 2<sup>nd</sup> April, 2015)*

**RULING ON REVISION**

1. Livingstone Opieni Kaimos 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 two years imprisonment with effect from 2nd April, 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 counseling and spiritual empowerment sessions in prison. He has also learnt carpentry skills.
4. The Probation Officer however notes that the applicant needs more rehabilitation while in custody. The said Officer's recommendation is that the applicant is not suitable for a non-custodial sentence as the home environment is not conducive to support rehabilitation.
5. Having considered the probation report which is not favourable to the applicant, I decline to revise the sentence meted out to him by the trial court.
6. The applicant shall therefore serve the remainder of his sentence in prison.

It is so ordered.

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

**NJOKI MWANGI**

**JUDGE**