

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CRIMINAL REVISION NO. 291 OF 2015

STEPHEN AMBALI RAJJAPPLICANT

VERSUS

REPUBLICRESPONDENT

*(Being a Revision from the order of Butere Principal Magistrate's Court Criminal Case No.178 of 2015
by Hon. M.I. Shimenga R.M on 1st September, 2015)*

RULING ON REVISION

1. Stephen Ambali Rajj 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 18 months imprisonment with effect from 1st September, 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 is also learning carpentry skills.
4. The Probation Officer 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 community is still hostile towards him.
5. Having considered the probation report which is not favourable to the applicant, I decline to revise the sentence meted out 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