



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NANYUKI**  
**HC CR REVISION NO. 7 OF 2016**

NICHOLAS MUTUGI ..... APPELLANT

VERSUS

REPUBLIC ..... RESPONDENT

**RULING**

1. NICHOLAS MUTUGI, the applicant, was convicted on his own plea of guilt to the **offence of Stealing by Servant Contrary to Section 281 of the Penal Code Cap 63**. He was sentenced before the Nanyuki Chief Magistrate's court to 4 years imprisonment of which he has so far served 2 years.
2. According to the probation report the applicant is a first offender. He has trained in carpentry and masonry while serving his sentence. He is the sole bread winner of his two children and his elderly parents. He is remorseful of the offence.
3. This matter was referred to this court for this court to consider revision of the applicant's sentence as per the provision of Section 362 of the Criminal Procedure Code Cap 75.
4. Having considered the probation report and the submissions of the prosecuting counsel I will revise the applicant's sentence as follows;
  - a. **The NICHOLAS MUTUGI shall serve the remaining sentence under probation under the supervision of Probation Officer Laikipia East.**
  - b. **To that end the said NICHOLAS MUTUGI shall be released from custody unless he is otherwise lawfully held.**

**Dated and Delivered at Nanyuki this 20<sup>th</sup> April, 2016**

**MARY KASANGO**

**JUDGE**

**Coram**

Before Justice Mary Kasango

Court Assistant – Njue

For Applicant .....

For state .....

**COURT**

Ruling delivered in open court

**MARY KASANGO**

**JUDGE**