



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NANYUKI
CRIMINAL REVISION NO. 8 OF 2016

DAVID MAINA KARIUKI APPELLANT

Versus

REPUBLIC RESPONDENT

RULING

1. **DAVID MAINA KARIUKI (Kariuki)** is 28 year old. He was convicted by the Nanyuki Chief Magistrate's Court of the offence of **stealing contrary to Section 275 of the Penal Code Cap 63**. He was convicted on 25th of September 2015 and sentenced to serve 2 1/2 years of jail term. He has so far served 6 months and 6 days. It is important to note that Kariuki was arrested and was remanded before trial from August 2014 until his conviction in September 2015.

The court in exercise of its revision powers under **section 364 of cap 75** requested the probation office to prepare a report on Kariuki for this court to consider if he is suitable to have his sentence revised. That report is favourable to Kariuki serving a sentence of probation.

2. Kariuki is married and has one child. He is remorseful and has promised to change his attitude and become a law abiding citizen. Having considered the probation report and the fact that Kariuki was in remand from August 2014 up to September 2015 when he began to serve his 2 1/2 years prison sentence I will revise the sentence of the lower court. I do find that kariuki is suitable to serve sentence of probation.

3. Accordingly I order as follows:-

(a) David Maina Kariuki shall serve 6 months probation under probation officer Laikipia east.

DATED THIS 31ST DAY OF MAY 2016

MARY KASANGO

JUDGE

CORAM:

Before Justice Mary Kasango

Court Assistant – Njue

Appellant: Daniel Maina Kariuki

For the State:

COURT

Ruling delivered in open court.

MARY KASANGO

JUDGE