

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIVASHA

CRIMINAL REVISION NO. 86 OF 2015

PETER WAMWERE KARANJA.....1ST APPLICANT

JOSEPHAT NDUNGU WAWERU.....2ND APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

(From original Committal Order in Criminal Case No. 899 of 2014 of the Senior Resident Magistrate's Court at Engineer- Muteji M.K., SRM)

ORDER ON REVISION

1. Through the High Court Criminal Appeal No. 257 of 2014 and High Court Miscellaneous Application No. 15 of 2015, I became aware of the conviction of Josephat Ndungu Waweru and Peter Wamwere Karanja who were jointly charged before the Senior Resident Magistrate Court Engineer in Criminal Case No. 899 of 2014. I subsequently ordered that a revision file be opened.
2. I have now perused the proceedings before the lower court. The accused were charged jointly with the offence of Stealing by Servant Contrary to Section 268 as read with Section 281 of the Penal Code. Particulars stated that on the 30th September 2014 at Mawingo Village in Kipipiri within Nyandarua County, jointly being a servants to Garzan Flowers Investment Limited they stole from the said Garzan Flowers Investment Limited Twenty Four bottles of insecticides (24) all valued at Kshs 38,000/= which came into their possession by virtue of their employment. They pleaded guilty to the offence and were sentenced to serve 5 years imprisonment.
3. Noting the value of the stolen property the fact that it was recovered, and the fact that no previous convictions were proved against the said accused, I do order for probation officers reports to be prepared in respect to the said accused and placed before me on or before the 9th October, 2015. The Deputy Registrar to ensure compliance.

Written and signed at Naivasha this 24th day of September, 2015

C. MEOLI

JUDGE