

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Criminal Revision 414 of 2012

GEORGE SHEM ONDUKOAPPLICANT

VERSUS

REPUBLICRESPONDENT

RULING

The applicant was convicted of two counts of stealing contrary to Section 275 of the Penal Code. Upon conviction he was sentenced to serve two years imprisonment in count I and one year imprisonment in count II. Sentences were ordered to run consecutively. There is now before me an application by way of Notice of Motion seeking a review of the said sentences.

In his submission the applicant submits that he has gone through rehabilitation and that he is a changed person. He also said he is remorseful and as a result of imprisonment, his family has suffered. The application is opposed by the learned counsel for the Republic who submitted that the applicant should serve his full sentence. The punishment for stealing is three years imprisonment and the learned trial magistrate was within the statutory limits when he imposed the sentences on record. The record shows that the mitigation of the applicant was considered but that the offences are serious and required a deterrent sentence. The amount of money stolen belonged to unsuspecting victims who no doubt had worked hard to earn the same.

I have examined the circumstances and evidence leading to the conviction of the applicant. I am satisfied as to the correctness, legality and propriety of the sentences imposed by the learned trial magistrate. I find no reason to interfere with the same and therefore dismiss the application for revision.

Orders accordingly.

Dated and delivered at Nairobi this 29th Day of May, 2013.

**A. MBOGHOLI MSAGHA
JUDGE**