



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KERICHO**

**REVISION NO. 234 OF 2013**

*(Being A Revision in the Conviction and Sentence on 28.05.2013 by the Honourable Senior Resident Magistrate, J. Kassam at Sotik in Criminal Case No.1538 of 2012)*

**CHARLES CHERUIYOT NGENO.....APPLICANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

**(Before Hon. Justice Byram Ongaya on Friday 18th October, 2013)**

**RULING ON REVISION**

The applicant Charles Cheruiyot Ngeno was charged with the offence of grievous harm contrary to Section 234 of the Penal Code. He pleaded guilty, was convicted and sentenced to serve 5 years imprisonment with effect from 28/5/2012.

I have considered that the complainant is the applicant's father and further considered the gravity of the offence involved. In the circumstances of the case the court finds that the applicant is not suitable for community service especially in view of the pending term of imprisonment.

Accordingly, the sentence by the trial court is upheld and a community service order is declined.

**Signed, dated and delivered in court at Kericho this Friday, 18th October, 2013.**

**BYRAM ONGAYA**

**JUDGE**