

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 235 OF 2013

(Being A Revision in the Conviction and Sentence on 30.12.2011 by the Honourable Resident Magistrate, J.Kasam at Sotik in Criminal Case No.1361 of 2011)

CHARLES KIMUTAI RUTO.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

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

RULING ON REVISION

The applicant **Charles Kimutai Ruto** was convicted and sentenced on 30/12/2011 on a charge of breaking into a building and committing a felony contrary to **Section 306 (a)** of the **Penal Code**.

The report by the Probation Officer shows that the applicant has not kept any contacts with family members and it would be difficult to achieve the goals of a non-custodial sentence.

In the circumstances, the trial court's sentence is upheld and an order for community service is declined.

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

BYRAM ONGAYA

JUDGE