

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 238 OF 2013

(BEING A REVISION IN THE CONVICTION AND SENTENCE ON 15.10.2013 BY THE HONOURABLE SENIOR RESIDENT MAGISTRATE, J.KASAM AT SOTIK IN CRIMINAL CASE NO.1589 OF 2013)

AUGUSTINE KIPKURUI RUTO.....1ST APPLICANT

PAUL KIPLANGAT KOECH.....2ND APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

(BEFORE HON. JUSTICE BYRAM ONGAYA ON FRIDAY 18TH OCTOBER, 2013)

RULING ON REVISION

The applicant Augustine Kipkurui Ruto and Paul Kiplangat Koech were convicted of the offence of stealing stock contrary to Section 278 of the Penal Code. The trial court sentenced each applicant to a fine of Kshs. 50,000 or 3 years imprisonment effective 15/10/2012.

The court has considered the reports by the probation officer. The applicants have served only one year imprisonment. In view of the gravity of the offence, the court finds that they are not suitable for the community service order.

Accordingly the sentence by the honourable trial court is upheld and the applications for orders for community service are declined.

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

BYRAM ONGAYA

JUDGE