

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 244 OF 2013

(Being A Revision in the Conviction and Sentence on 18.03.2013 by the Honourable Principal Magistrate, M.O.Okuche at Sotik in Criminal Case No.161 of 2013)

BENARD KIPKIRUI KIGEN.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

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

RULING ON REVISION

The Applicant Benard Kipkirui Kigen was charged with offences of malicious damage to property contrary to Section 339 (1) of the Penal Code; and creating a disturbance in a manner likely to cause a breach of the peace contrary to Section 95 (1) (b) of the code.

The applicant pleaded guilty to the charges, was convicted and for count one sentenced to a fine of Kshs. 15,000 in default 18 months imprisonment; and for count 2 a fine of Kshs. 5,000 in default 6 months imprisonment.

The applicant failed to pay the fine and has served about 7 months imprisonment effective 18/03/2013.

The probation officer's report shows he is remorseful and is willing to charge and become a law abiding citizen.

In the circumstances the sentence by the trial court is altered and the applicant is discharged from prison to perform community service under the Chief at the Chief's office in Ringut sublocation.

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

BYRAM ONGAYA

JUDGE