

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 176 OF 2013

(Being A Revision in the Conviction and Sentence on 09.09.2013 by the Honourable J.Kwena Senior Principal Magistrate at Bomet in Criminal Case No. 634 of 2013)

DAN KARANG CHELULE.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

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

RULING ON REVISION

This is the ruling in an application for revision under **Sections 362 and 364** of the **Criminal Procedure Code, Chapter 75** of the **Laws of Kenya**, and under Section 8(2) of the Community Service Orders Act, 1998. The applicant is Dan Karang Chelule who was charged with the offence of Office breaking and committing a felony contrary to Section 306(a) of the Penal Code, Chapter 63 Laws of Kenya and in the Senior Principal Magistrate's Court at Bomet.

The applicant pleaded guilty as charged and the learned trial magistrate on 23.07.2013 convicted and sentenced to serve 9 months imprisonment.

The probation officer has filed a report in view of the application for revision now before this court. The report indicates that the applicant is serving at the prison farm and has gained skills in gardening. The report states that the applicant is remorseful; his relatives are willing to receive him; and can serve the community at the chief's office in Satiet location.

The court has considered the report by the probation officer and the applicant's keenness to improve as a responsible citizen. It is the view of the court that he should be encouraged to engage in lawful income generating activities.

In conclusion, the sentence by the honourable trial court is altered and substituted with the order for the applicant to serve the community at the Chief's office in Satiet location under the chief for three months from the date of this ruling.

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

BYRAM ONGAYA

JUDGE