



**REPUBLIC OF KENYA**

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

**REVISION NO. 175 OF 2013**

*(Being A Revision in the Conviction and Sentence on 10.09.2013 by the Honourable V. Karanja Acting Senior Resident Magistrate at Bomet in Criminal Case No. 856 of 2013)*

**GILBERT CHEPKWONY.....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 Gilbert Chepkwony who was charged with the offence of disorderly conduct in police building contrary to Section 60(1) as read with Section 63 of the Police Act, Chapter 84 of the Laws of Kenya in the Acting Senior Resident Magistrate's Court at Bomet.

The applicant pleaded guilty as charged and the learned trial magistrate on 10.09.2013 convicted and sentenced him to serve 3 months imprisonment. He has served one month 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 prior to imprisonment he was a skilled electrician. The report states that the applicant is remorseful; his relatives have not visited him because they are not aware of his imprisonment; he is keen to use his skills as an electrician and is reported by the prison officers to be well behaved and cooperative person. The court has considered the report by the probation officer and the applicant's keenness to use his skills productively as a good citizen. It is the view of the court that he has resolved to be law abiding. The court has considered the term served and the positive reports by the prison officers.

In conclusion, the sentence by the honourable trial court is altered and substituted with the order for the discharge of the applicant, forthwith.

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

**BYRAM ONGAYA**

**JUDGE**