

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

Revision No. 178 Of 2013

(Being A Revision in the Conviction and Sentence on 16.07.2013 by the Honourable V. Karanja Acting Senior Resident Magistrate at Bomet in Criminal Case No. 751 of 2012)

LEONARD KIRUI ROTICH.....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 Leonard Kirui Rotich who was charged with the offence of handling stolen goods contrary to Section 322(2) of the Penal Code, Chapter 63 of the Laws of Kenya in the Acting Senior Resident Magistrate's Court at Bomet.

The applicant was tried as charged and the learned trial magistrate on 16.07.2013 convicted and sentenced him to serve 2 years imprisonment. He has served 3 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 quarry. The report states that the applicant is remorseful; and his relatives have visited him in prison and are willing to assist him settle down.

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 also considered the gravity of the offence and the prison term so far served.

In conclusion, the sentence by the honourable trial court is altered and substituted with the order for the applicant to perform community service for 15 months at the Silibwet chief's office under the chief..

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

BYRAM ONGAYA

JUDGE