



**REPUBLIC OF KENYA**

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

**REVISION NO. 196 OF 2013**

**(Being A Revision in the Conviction and Sentence on 3.01.2012 by the Honourable Principal Magistrate at Bomet in Criminal Case No. 5 of 2012)**

**WESLEY KIPRONO LANGAT.....APPLICANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

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

**JUDGMENT**

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 Wesley Kiprono Langat who was charged with the offence of stealing stock contrary to section 278 of the Penal Code, Chapter 63, Laws of Kenya, in criminal case No. 5 of 2012 at Bomet. The particulars of the charge were that on 27.12.2011 at Chepalungu forest in Chepalungu District of Rift Valley Province the applicant stole three heads of cattle valued at Kshs. 75,000.00, the property of one John Kipkosgei Koech.

The applicant pleaded guilty as charged and the learned trial magistrate on 3.01.2012 convicted and sentenced him to serve four years imprisonment. The probation officer has filed a report which establishes as follows:

- a. The period of 22 months the applicant has so far served in prison is considerably long and the applicant's parents consider that it has served as a good lesson to the applicant to positively change his character. The applicant's wife and child have since fled the applicant's home in view of the arrest and ensuing custodial sentence.
- b. During the imprisonment he is working in the building section and he has gained considerable skills as a means of generating income and therefore avoiding repeating the offence in the future.
- c. The imprisonment has enabled him re-evaluate his life positively, he is remorseful and has resolved to change and live responsibly as an honest citizen.
- d. The applicant regrets his involvement in crime for quick money and due to peer influence and is ready to be responsible and honest.

Accordingly, the report recommends that the applicant is suitable for community service at Chepkosa chief's office under the supervision of the chief.

The court has considered the report by the probation officer and the period of 22 months already served. The court has weighed the gravity of the offence against the reformation the applicant has showed in the course of the 22 months imprisonment served and considers that the applicant has changed, resolved to be a good citizen and further resolved not to repeat the offence. In the circumstances of the case, the sentence of four years imprisonment is altered and substituted with the order that the applicant shall perform community service, for 12 months from the date of this ruling, at Chepkosa Chief's Office under the supervision of the Chief.

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

**BYRAM ONGAYA**

**JUDGE**