



**REPUBLIC OF KENYA**

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

**REVISION NO. 240 OF 2013**

*(Being A Revision in the Conviction and Sentence on 10.06.2013 by the Honourable Resident Magistrate,  
Nancy Barasa at Sotik in Criminal Case No.297 of 2013)*

**ROBERT KIPNGETICH KIRUI.....APPLICANT**

**-VERSUS-**

**REPUBLIC.....RESPONDENT**

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

**RULING ON REVISION**

I have considered the report by the probation officer. The applicant was convicted of the offence of stealing by servant contrary to Section 281 of the Penal Code. He was sentenced to one year imprisonment effective 10/05/2013. It is reported that the applicant's home said to be in Transmara District is unknown and the chief for Chebilat Location in Sotik District where the applicant was a resident prior to conviction could not identify him.

In the circumstances, I decline to grant a community service order. The conviction and sentence by the trial court is upheld.

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

**BYRAM ONGAYA**

**JUDGE**