

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

REVISION NO. 182 OF 2013

(Being A Revision in the Conviction and Sentence on 9.05.2012 by the Honourable Ag.Senior Resident Magistrate, V.Karanja at Sotik in Criminal Case No. 336 of 2012)

WESLEY KIPKIRUI NGETICH.....APPLICANT

-VERSUS-

REPUBLIC.....RESPONDENT

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

RULING ON REVISION

The applicant was convicted of the offences of burglary contrary to **Section 304 (2)** and stealing contrary to **Section 279 (b)** of the **Penal Code**. He was sentenced to 2 years 6 months imprisonment. He has served for 17 months imprisonment. The initial imprisonment was 2 years and while in prison he attempted to escape and thereby attracted a further sentence of 6 months following conviction for the offence of escaping from lawful custody contrary to **Section 123** and **36** of the **Penal Code**.

I have considered the applicant's persistent attitude to break the law and find that he is currently not suitable for community service order. The sentences by the Honourable trial court are upheld and the application for community service order declined.

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

BYRAM ONGAYA

JUDGE