



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA
CRIMINAL REVISION NO. 569 OF 2011

GLEN SASITA APPLICANT

VERSUS

REPUBLIC RESPONDENT

RULING ON REVISION

1. The Applicant was charged with the offence of stealing from a person contrary to Section 279 (a) of the Penal Code.

The particulars of the offence are that on the 22nd day of October 2011 at Malimili Sub-location, Ilesi Location in Kakamega East District within Western Province, stole a mobile phone, make Nokia valued at Kshs.3,300/= the property of IRENE KHAKUYA from the person of the said IRENE KHAKUYA.

2. The Applicant pleaded guilty before the trial magistrate and was convicted and sentenced to serve one year imprisonment.

3. The Applicant states that he is a student and failed to bring this to the attention of the trial court due to ignorance.

4. I must state that there are no errors on the record of the trial court and that the sentence is within the

law.

5. The value of the stolen mobile phone is reflected in the Charge Sheet as Kshs.3,300/=.

6. I have considered the Probation Officer's report. The same seems to contain inaccuracies and may not be a good guidance to the court in relation to the age of the accused. The Probation Officer has stated the age of the accused as 18 years when the accused has confirmed to the court that he is twenty three (23) years old.

7. However, taking into account the value of the stolen property, the sentence of one year imprisonment imposed by the lower court is harsh.

8. The sentence is set aside and substituted with a fine of Kshs.10,000/= in default the accused to serve three months imprisonment.

9. Orders accordingly.

Dated this 9th day of February, 2012.

B. THURANIRA JADEN

J U D G E