

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

Criminal Revision 324, 325 & 326 of 2010

MOSES GITAU NDUNG'U.....1ST APPLICANT

DAVID KARONJO.....2ND APPLICANT

JOSEPH KIIRU.....3RD APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

JUDGMENT OF REVISION

The prisoners were charged with two counts of stealing contrary to section 275 and handling stolen property contrary to Section 322(2) of the Penal Code (*Cap. 63, Laws of Kenya*). They all pleaded guilty on both counts, and were convicted and sentenced to 2¹/₂ years imprisonment, without option of fines.

In order to decongest the prisons, Probation Reports have been obtained in respect of the three appellants recommending community service for the three of them. In exercise therefore of the powers conferred to this court by Section 364 (1) (b) of the Criminal Procedure Code, (*Cap. 75, Laws of Kenya*), the sentence of 2¹/₂ years imprisonment imposed by the trial court on the respective prisoners shall be reversed and in lieu thereof each of the prisoners shall serve a community service at the following places, and for the period indicated against each of them-

	Prisoner's Name	Location of Community Service	Period of Community Service
1.	<i>Moses Gitau Ndungu</i>	<i>Githunguri Chief's Camp</i>	<i>Balance of prison term</i>
2.	<i>David Karonjo</i>	<i>Kiratina Chief's camp, in Kiratina Kiambu District</i>	<i>Balance of prison term</i>
3.	<i>Joseph Kiiru</i>	<i>Free Area Chief's camp, Nakuru</i>	<i>Balance of prison term</i>

Dated and signed at Nakuru this 29th day of April 2010

M. J. ANYARA EMUKULE

JUDGE