



**Wafula v Republic (Criminal Revision E262 of 2023)
[2025] KEHC 4344 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4344 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E262 OF 2023**

RN NYAKUNDI, J

APRIL 4, 2025

BETWEEN

ALEX WAFULA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Before me for determination is the applicant’s notice of motion filed on 25th July, 2023 in which she seeks to be admitted on probation. In the supporting affidavit she deposed that she was convicted and sentenced to 2 years’ imprisonment for stealing. She contends that the jail term without an option of fine is harsh and the court should revise the sentence and give an option of fine considering that she pleaded guilty to the charges without knowing the consequences of her actions. She urged the court to review her sentence to include a fine or probatory type in compliance with section 261 of the Criminal Procedure Code and Art. 27, 28, 29 and 48 of the Constitution of Kenya.
2. The background information is that the applicant was charged with the offence of stealing contrary to section 268 of the Penal Code as read with section 275 of the Penal Code. It was alleged that on 31st July, 2022 at Munyaka estate, he stole one mobile phone make ITEL valued at Kshs. 1,300/= the property of Stephen Musili. He pleaded guilty to the offence subsequently convicted and sentenced to two years’ imprisonment on 5th August, 2022. At a glance of this last order, the application for review of sentence is moot and is therefore dismissed under section 382 of the Criminal Procedure Code.
3. It is so ordered.

SIGNED, DATE AND DELIVERED AT ELDORET THIS 4TH DAY OF APRIL 2025.

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R. NYAKUNDI



JUDGE

