



REPUBLIC OF KENYA



KENYA LAW
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**Kiplimo v Republic (Criminal Revision E052 of 2025)
[2025] KEHC 6011 (KLR) (14 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6011 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E052 OF 2025
RN NYAKUNDI, J
MAY 14, 2025**

BETWEEN

VICTOR KIPLIMO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

Representation:

M/s Sidi for the State

1. The Applicant was charged with Stealing contrary to Section 268(1) as read with Section 275 of the *Penal Code*. The facts being that on the 23rd day of January, 2025 at Shauri Estate Kapyemit Location in Turbo Sub-county in Uasin Gishu County, stole four wheel shaft and four wheel sump guard part of a Tractor Registration number KTCB 577T all valued at Kshs 100,000/= the property of Emmanuel Chumo.
2. Before the Trial Court the Applicant pleaded guilty to the offence and was sentenced to one year imprisonment. He has now moved the Court to review the Sentence based on the Social Inquiry Report prepared by the Probation Officer which captured the Facts as follows;

The inmate is remorseful and takes full responsibility of the offence committed and he is willing to serve noncustodial sentence as this will enable him to take care of his children.

The inmate readily accepts responsibility for the offense committed and shows remorse. He promises to be a law abiding citizen. He is ready and willing to serve the remaining part of his sentence within the community. The family is willing to receive him back home. He is ready and willing to perform Community Service Order at Ainabngitung Chief's Office for a period of five months.



Determination.

3. The Issue is whether the Applicant has met the criteria of being released from prison custody to home-based rehabilitation. The justification of it has got to be influenced by the theories of punishment as stated in the Sentencing Policy Guidelines of the Judiciary which provides as follows
 - i. Retribution
To satisfy the feeling of vengeance in the mind of the victim and the large number of people who share the agony of the victim.
 - ii. Prevention
To take away from the offender the power of offending.
 - iii. Deterrence
To make the offender afraid of consequences if the similar act is repeated (intimidation) and to create awe in the minds of the persons who are disposed to commit similar offences.
 - iv. Reformation
4. To remove the desire of punishment from the mind of wrongdoer.
Sentencing is a complex process. It inevitably involves the application of factors, sometimes seemingly in contradiction to each other. It has therefore often been said the the process of arriving at the appropriate sentence is an art and not an exact science. Such a sentence cannot be determined by any strict mathematical formula, but involves the fine balancing of a myriad of considerations.
5. In the instant case, I have read the record and the subsequent Application. I am satisfied that there is merit to grant an order for Review of Sentence from custodial to non-custodial for a period of five months as recommended by the Probation Officer. He shall therefore be removed from prison custody for community-based rehabilitation.

GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 14TH DAY OF MAY 2025

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R. NYAKUNDI
JUDGE

