



**Longok & another v Republic (Criminal Revision E473 of 2024)
[2025] KEHC 6017 (KLR) (13 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6017 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E473 OF 2024
RN NYAKUNDI, J
MAY 13, 2025**

BETWEEN

ISAAC LONGOK 1ST ACCUSED

JOHNSTONE ANDIKA 2ND ACCUSED

AND

REPUBLIC RESPONDENT

RULING

1. The accused was charged with an offence of stealing contrary to section 268 as read with section 275 of the [Penal Code](#). The particulars of the offence are that on the 09th day of March 2024 at around 0200hrs, at Moi Girls High School Eldoret, in Ainabkoi sub county within Uasin Gishu County jointly with others not before court stole 11 pieces of G-1 metal pipe valued at Kshs 77,000 property of Moi Girls High School Eldoret
2. The Applicant in his own plea of guilty was convicted and sentenced to 2 years imprisonment. He has now approached this court to have his sentence reviewed based on the Probation Officer’s recommendations which *inter alia* provides as follows: “ He is optimistic about early release and states that the sentence has impacted his behavior positively. He hopes to be released early so he can reunite with his family. The inmate is a 51-year old man of two children who has served 14 months prison sentence for the offence of stealing. He prays that he is considered for non -custodial sentence so that he can re-unite with his family and continue while serving the remaining sentence. The community is respectful of him and has no objection towards his early release.”
3. The purpose of sentencing is well documented in the [Sentencing Policy Guidelines of the Judiciary](#) which can be paraphrased as follows:
 - i. To impose retribution- to punish to an extent or in a way which is just in all the circumstances



- ii. To provide for the rehabilitation of offender
 - iii. To deter the offender from offending again (Special or personal deterrence)
 - iv. To deter others from committing the same or a similar offence (general deterrence)
 - v. To show the community that the impugned conduct is to be condemned.
 - vi. For the protection for the community
 - vii. A sentence of imprisonment should never exceed that which can be justified as an appropriate or proportionate to the gravity of the crime considered in the light of its objective circumstances
 - viii. Rehabilitation is usually given more weight in the case of young offender and those advanced in age
 - ix. General deterrence is usually given less weight in the case of an offender suffering from a mental disorder which reduces the offender moral culpability for the offending unless there is a strong need for community protection
 - x. An offender involving a breach of trust is likely to be dealt with more severely than the same offence not involving a breach of trust
 - xi. More weight will be given to rehabilitation if the offender has pleaded guilty, particularly if remorse is shown, or reparation or compensation has been made or is available.
4. I have considered the application in support of revision of sentence in terms of Sections 357, 362, 364, of the Criminal Procedure Code and Article 50 2(P) (Q) together with 6(A) & (B) of the constitution and I am satisfied that there is merit to review the non-custodial sentence and substituted it with Community Service Sentence for the remaining period of two months at Jua Kali Police Station.

GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 13TH DAY OF MAY 2025

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R. NYAKUNDI

JUDGE

