



REPUBLIC OF KENYA



KENYA LAW
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**Mohamed v Republic (Criminal Appeal E213 of 2024)
[2025] KEHC 7800 (KLR) (3 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 7800 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL APPEAL E213 OF 2024**

DR KAVEDZA, J

JUNE 3, 2025

BETWEEN

WALID MOHAMED APPELLANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence stealing by servant contrary to section 268(1) as read with section 281 of the [Penal Code](#) and fraudulent false accounting contrary to section 330(a) of the [Penal Code](#). He was sentenced to serve four(4) years imprisonment on each count to run concurrently.
2. The applicant filed the present application dated 23rd December 2024, seeking a review of the custodial sentence imposed by the trial court, with a view to its substitution with a non-custodial sentence. When the matter was placed before me for directions on 25th February 2025, I directed the applicant to engage the complainant and explore the possibility of settling the matter through Alternative Dispute Resolution (ADR). In submissions dated 4th April 2025, the applicant has indicated his willingness to repay the subject amount by way of monthly instalments of Kshs 20,000.
3. This position, however, appears inconsistent with the contents of the complainant's replying affidavit, wherein at paragraph 14, she avers that the applicant has not made any concrete proposal on how he intends to settle the outstanding sum. If the applicant had indeed engaged the complainant as directed, the Court would have expected a settlement agreement duly executed by both parties or their respective counsel. No such agreement is on record, which suggests that no meaningful engagement took place.
4. Upon perusal of the judgment of the trial court, I find no error, illegality or procedural irregularity that would justify interference with the sentence imposed. The sentence appears to have been arrived



at lawfully, and the applicant has not demonstrated any compelling reason to warrant the exercise of this Court's discretion.

5. In the premises, the application is found to be lacking in merit and is dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 3RD DAY OF JUNE 2025

D. KAVEDZA

JUDGE

