



**Koech v Republic (Criminal Revision E016 of 2025)  
[2025] KEHC 10402 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10402 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL REVISION E016 OF 2025  
RB NGETICH, J  
JULY 17, 2025**

**BETWEEN**

**MESHACK KIBET KOECH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of Stealing stock contrary to section 278 of the [Penal Code](#). The particulars of the charge were that the accused on the 19<sup>th</sup> day of February, 2024, at Tamkal village in Kolowa Division, Tiaty West Sub- County within Baringo County, jointly with others not before court, stole 3 goats valued at Kshs.20,000/= the property of Kipkoech Cheputuluo.
2. The accused denied the charge and upon hearing, he was convicted on his own plea of guilty and was subsequently sentenced the accused to serve 5 years imprisonment.
3. The Applicant has now approached this court vide an undated application seeking review of his sentence to a non-custodial sentence. The applicant's grounds are that he is remorseful, a first offender, entirely repentant, has reformed and rehabilitated. He avers that he has sought for forgiveness from the victim who has forgiven him. He states that for the period he has served, he has undergone training and has gained skills in carpentry mostly in joinery and he is waiting for certificate.
4. When the matter came up before court on the 5<sup>th</sup> May, 2025, the applicant stated he has served 16 months and he is remaining with 1 year, 7 months to serve. The court called for a social inquiry to be done and the report to be filed in court which report was filed as directed.

**Social Inquiry Report**

5. From the report, the applicant dropped out of school in form one due to low economic power at family level and his own personal will. After dropping out of school he started doing casual jobs within the



- community and herding family livestock. His relationship with his parents and siblings is good; he does not use alcohol or any other substance. His health is good and he is single with no one depending on him. At the moment he is enrolled at prison industry learning carpentry but he has not done any exam.
6. From the report, his father indicated that the applicant might have committed the offence due to peer pressure since they were with other people who fled away. He prayed for his release but did not show any interest in assisting in rehabilitating the applicant. His cousin also supported the applicant's early release indicating that the applicant might be suffering in custody.
  7. The applicant admits the offence and states that he committed the offence as a retaliation of their six goats that were stolen in March 2023 by bandits from Pokot Side. He said, they reported the matter to Tot Police Station but there was no action taken by the officers to pursue and reprimand the culprits. He added that because of several animal thefts by bandits from Pokot side that goes without being recovered, the community resolved that, if anyone comes across Pokot's animals unattended, one should take them into his possession. He says he has not reconciled with the victim but he is aware the victim was able to recover his goats. He prays for non-custodial sentence so that he can go home and marry. Efforts to reach out to the victim were futile. However social inquiry reveals that he was able to recover his stolen goats.
  8. The local administration of both Kolowa and koibirir locations the border of Marakwet East and Tiaty West Sub Counties where the offence was committed were interviewed and the administrator of Kolowa indicated that at the time of arrest, the applicant was almost lynched by the youths from Pokot and it took his intervention to save his life. He opposed the applicant's prayer for review of sentence stating that custodial sentence will enable him acquire a skill which will be of great help to him in the near future.
  9. The administrator of Koibirir where the applicant hails from stated that the applicant is well known to him and he is known to be a notorious thief who collaborates with other criminals from Pokot side to trade stolen animals. He stated that he should continue serving custodial sentence to deter other youths within the community from committing offences and to enable him acquire a skill.

### **Analysis and Determination**

10. The application herein invokes the revisional jurisdiction of this court which gives the court powers, in appropriate cases, to review and vary any orders, decision or sentence passed by the trial court if the court was satisfied that the impugned order, decision or sentence was illegal or was a product of an error or impropriety on the part of the trial court. If the court was so satisfied, the law mandated it to make appropriate orders to correct the impugned order, decision or sentence and align it with the law. The above is the import of Section 362 as read with Section 364 of the *Criminal Procedure Code*.
11. In this case, the applicant has maintained that he is remorseful, reformed and rehabilitated since he has been in prison for close to 16 months now. He stated that while in prison he has learnt skills that will help him earn a living if released. The Applicant has pleaded upon this court to grant him a non-custodial sentence for the remainder of his prison term.
12. The objectives of sentencing are outlined in the 2023 *Judiciary of Kenya Sentencing Policy Guidelines* at page 15, paragraph 4.1 as follows:

Retribution: To punish the offender for his/her criminal conduct in a just manner.

Deterrence: To deter the offender from committing a similar offence subsequently as well as to discourage other people from committing similar offences.



Rehabilitation: To enable the offender reform from his criminal disposition and become a law-abiding person.

Restorative justice: To address the needs arising from the criminal conduct such as loss and damages. Criminal conduct ordinarily occasions victims', communities' and offenders' needs and justice demands that these are met. Further, to promote a sense of responsibility through the offender's contribution towards meeting the victims' needs.

Community protection: To protect the community by incapacitating the offender.

Denunciation: To communicate the community's condemnation of the criminal conduct.”

13. I have considered the social inquiry report, specifically the sentiments of the local administration who are opposed to the Applicants prayer for review of sentence to non-custodial and also the fact that the applicant's father is not willing to assist in re-integrating him back to the society.

14. From the above sentiments by the local administration and the recommendation by the probation officer, I find that the Applicant is not suitable for a non-custodial sentence. The application for review is hereby declined.

15. Final orders: -

Application for review is hereby declined.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT ELDAMA RAVINE HIGH COURT (SUB-REGISTRY) THIS 17<sup>TH</sup> DAY OF JULY, 2025.**

.....

**RACHEL NGETICH**

**JUDGE**

In the presence of:

- CA Elvis

- Ms. Omari for state

- Applicant present.

