



REPUBLIC OF KENYA



KENYA LAW
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**David v Republic (Criminal Revision E181 of 2025)
[2025] KEHC 12520 (KLR) (9 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12520 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E181 OF 2025
RN NYAKUNDI, J
SEPTEMBER 9, 2025**

BETWEEN

SAMMY EMBEKA DAVID APPLICANT

AND

REPUBLIC RESPONDENT

RULING

Representation:

Ms Sidi Kirenge for the State

1. The Applicant Sammy Embeka David was charged with the offence of breaking into a building and committing a felony contrary to Section 306(a) of the *Penal Code*.
2. The brief facts of the particulars are that on the night of 16th and 17th day of June 2024 at Jerusalem area in Ainabkoi Sub-County within Uasin Gishu County broke and entered a church of Lawrence Mwaura and committed a felony namely (stealing) one keyboard make Yamaha 463 and mixer make Max all valued at Ksh 63,500/=.
3. On alternative charge the applicant was charged with handling stolen goods contrary to Section 322(1) (2) of the *Penal Code*. Particulars are that on diverse dates between 16th and 17th day of June 2024 at Munyaka area of Ainabkoi Sub-County within Uasin Gishu County, otherwise than in the course of stealing, dishonestly retained one keyboard make Yamaha 463 and one mixer make Max having to believe them to be stolen goods.
4. The Applicant was convicted on own plea of guilty and was fined Ksh 100,000/= in default to serve 24 months in jail.
5. I have read the record and it is very clear that on 13th November 2024 the review application on sentence was rejected by Ominde J. The application is therefore *res judicata*. It is good for dismissal.



DATED, SIGNED AND DELIVERED VIRTUALLY AT ELDORET THIS 9TH DAY OF
SEPTEMBER 2025.

.....

R. NYAKUNDI

JUDGE

