



**Mofugo v Republic (Miscellaneous Criminal Application  
E023 of 2023) [2024] KEHC 1170 (KLR) (12 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1170 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
MISCELLANEOUS CRIMINAL APPLICATION E023 OF 2023**

**DR KAVEDZA, J  
FEBRUARY 12, 2024**

**BETWEEN**

**BRAMWEL MOFUGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant filed an application dated December 15, 2023 seeking revision of sentence imposed by the trial court. Before the said court, he was tried and convicted for the offence of stealing a motor vehicle contrary to section 268 (1) as read with section 278 of the *Penal Code*. He was sentenced to pay a fine of Kshs. 50,000 in default to serve 1-year imprisonment. In addition, he was ordered to compensate the complainant the sum of Kshs. 123,000 failure to which he was to serve a further 1 year in custody. Being aggrieved, he challenged the sentence imposed on revision.
2. I have considered the application, the affidavit in support and the applicable law.
3. I find that the application is merited and hereby revise the sentence imposed by the trial court. I hereby substitute it with an order directing the applicant to pay the complainant sum of Kshs. 123,000, in default to serve 1-year imprisonment. The default sentence shall run from the date of his conviction. Should the applicant opt to serve the jail term, the complainant is at liberty to recover the compensation amount through the civil process.

Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 12<sup>TH</sup> DAY OF FEBRUARY 2024**

.....

**D. KAVEDZA**

**JUDGE**

