



REPUBLIC OF KENYA



**Gichetu v Republic (Revision Case E032 of 2024)
[2024] KEHC 2979 (KLR) (14 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2979 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E032 OF 2024
HM NYAGA, J
MARCH 14, 2024**

BETWEEN

MOSES GICHETU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file has been brought up for revision in order to decongest the Nakuru GK Prison.
2. The Applicant was charged with the offence of:
Count I: House Breaking Contrary to Section 304 (1) (b) and Stealing Contrary to Section 279 of the [Penal Code](#).
The particulars are that; On the 4th day of November 2023 at Umoja one area in Nakuru North Sub County within Nakuru County broke and entered into a building used as a dwelling house by one Cicilia Wairimu and stole therein the following; Sony play station, 55 inch, Samsung TV, Samsung Home theatre, Dell laptop and hp desktop all valued at Kshs. 233,000/= the property of the said Cicilia Wairimu.
Count II: House Breaking Contrary to Section 304 (1) (b) and Stealing Contrary to Section 279 of the [Penal Code](#).
The particulars are that; On the 28th day of December 2023 at Umoja one area in Nakuru North Sub County within Nakuru County broke and entered into a building used as a dwelling house by one Cicilia Wairimu and stole therein the one Hisence TV valued at Kshs. 71,490/= the property of the said Cicilia Wairimu.
Count III: House Breaking Contrary to Section 304 (1) (b) and Stealing Contrary to Section 279 of the [Penal Code](#).



The particulars are that; On the 1st day of January, 2024 at Umoja one area in Nakuru North Sub County within Nakuru County broke and entered into a building used as a dwelling house by one Cicilia Wairimu and stole therein the one phone make itel valued at Kshs. 1,500/= the property of the said Cicilia Wairimu.

3. He pleaded guilty and he was sentenced to;
Count I: Fine of Kshs. 100,000/= in default one(1) year imprisonment
Count II: Fine of Kshs. 20,000/= in default five(5) months imprisonment
Count III: Fine of Kshs. 500/= in default one (1) week imprisonment
4. The Applicant has served a substantial part of this sentence.
5. The Sentence Review Report by the Probation Officer, Nakuru County found the Applicant suitable for Community Service. It is recommended that he performs the same at Kiamaina Chief's Camp.
6. I find this case fit for Revision and order that the sentence of the trial court be revised. The Applicant is now to serve the remainder thereof under Community Service at Kiamaina Chief's Camp for Three (3) months.
7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 14TH DAY OF MARCH, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

N/A for state

