



**Koros v Republic (Criminal Miscellaneous Application  
E003 of 2024) [2024] KEHC 2669 (KLR) (14 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2669 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL MISCELLANEOUS APPLICATION E003 OF 2024**

**RB NGETICH, J  
MARCH 14, 2024**

**BETWEEN**

**RONALD KOROS ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of threatening to kill contrary to section 223(1) of the *Penal Code*. The particulars of the charge are that the accused on the 20<sup>th</sup> day of November, 2022 at about 1400Hrs at Kamwen village in Baringo Central Sub- County within Baringo County, without lawful excuse threatened to kill Sarah Yegon while armed with a panga.
2. The Applicant denied the charges and after trial, the applicant was sentenced him to serve 3 years imprisonment. He now seeks review of sentence on the grounds that he is a first offender, is very sick suffering from anemia and has been to hospital severally. He states that the complainant who is his mother wishes to withdraw the case. He sought for a non-custodial sentence.
3. The prosecution through Ms. Ratemo submitted that the social inquiry report has been filed. That the report indicates that the accused is suitable for rehabilitation.

**Determination**

4. This court is empowered by Article 165 of the *constitution* to revise/review sentence imposed by subordinate court. The applicant has stated that the complainant who is his mother has forgiven him. He prays for non-custodial sentence. He was sentenced to serve 3 years imprisonment. I have considered the fact that the applicant is sickly and that his mother who is the complainant has forgiven him and find the applicant is suitable for a non-custodial sentence for the remainder of the sentence.



**5. Final Orders: -**

Applicant to serve the remaining period of sentence under probation.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 14<sup>TH</sup> DAY OF MARCH 2024.**

.....

**RACHEL NGETICH**

**JUDGE**

**In the presence of:**

Applicant presents.

Ms Ratemo for State.

Elvis, Court Assistant.

