



REPUBLIC OF KENYA



**Maina v Republic (Revision Case E026 of 2024)  
[2024] KEHC 2654 (KLR) (12 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2654 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E026 OF 2024  
HM NYAGA, J  
MARCH 12, 2024**

**BETWEEN**

**PETER MUIRURI MAINA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant 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 particulars of the offence are that; on the 10<sup>th</sup> day of August, 2022 at Ndothwa Village in Mirangiru Sub County within Nyandarua County broke and entered into a buiding namely a poultry house of John Maina Mucheru and committed a felony therein namely theft and did steal from therein six (6) chicken valued at Kshs. 4,800/= the property of the said John Maina Mucheru.
3. The Applicant pleaded guilty to the offence. He was convicted and sentenced to seven (7) years imprisonment.
4. This file has been brought before this court for revision under the prison decongestion exercise.
5. The Applicant has been in custody since 5<sup>th</sup> September, 2022 when he was charged in court. He has thus served 1½ years in custody.
6. The court called for a sentence review report which was filed on 28<sup>th</sup> February, 2022. The Probation Officer recommends a probation period of one (1) year, to enable him reconcile with his parents. His father was the complainant and had expressed his willingness to reconcile with him.
7. The report further states that the Applicant has been of good behaviour while in prison.
8. Having considered the matter, I am of the view that this is a case fit for review of the sentence.



9. I hereby review the trial court's sentence and order that the Applicant be and is hereby released from prison and to serve the one (1) year probation sentence. The terms to be explained to him.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 12<sup>TH</sup> DAY OF MARCH, 2024.**

.....

**H. M. NYAGA**

**JUDGE**

**In the presence of;**

C/A Oleperon

Ms Okok for state

Applicant present

