



REPUBLIC OF KENYA



**Ogumbo v Republic (Revision Case E036 of 2024)
[2024] KEHC 2761 (KLR) (14 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2761 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E036 OF 2024
HM NYAGA, J
MARCH 14, 2024**

BETWEEN

DAVID NYARURI OGUMBO 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:
Breaking into a building with intent to commit felony contrary to Section 307 of the [Penal Code](#).
The particulars are that; On the night of 25th day of July 2023 at Check Point Area in Nakuru West Sub County within Nakuru County, together with another before court broke and entered an mpesa shop belonging to Charles Kemboi and stole the following items; 5 mkopa phones, 7 button itel phones, 2 touch itel phones, 2 sky phones, 1 woofer sayona with two speakers, 1 bluetooth radio, 1 itel registration phone 3 screw drivers, 50 phone protectors, 30 back covers and airtel credit of Kshs. 580/= cash 96,500 total amounting to 300,000/=
3. He pleaded guilty and he was sentenced to; pay a fine of Kshs. 30,000/- in default six (6) months 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 Kaptembwa Police Station.



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 Kaptembwa Police Station for Two and a half months (2 ½) 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

