



**Chege v Republic (Criminal Revision E068 of 2024)
[2024] KEHC 3489 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3489 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E068 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

HARON CHEGE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and sentenced on his own plea of guilty to 2 years imprisonment for the offence of being in possession of Cannabis Sativa (Bhang) Contrary to section 3(1) as read with Section 3(2) of the Narcotic drugs and psychotropic substances Control Act No. 3 of 1994.
2. The applicant has approached this court pursuant to sections 357,362,364& 382 of the Criminal Procedure Code as construed with Article 50(2)(p) &(q) as conjunctively read with Article 50(6)(a) &(b) of the Constitution.
3. The applicant seeks a sentence review based on the Probation sentence report filed on 26th March, 2024. The report is responsive and recommends him for a community service order at Jasho Primary school.
4. The applicant takes full responsibility of the offence committed and he is willing to serve a non-custodial sentence. The nucleus of any correctional system is its rehabilitative and reparative functions.
5. In my considered view, the period served by the applicant has shaped his character. The remaining period of 5 months can be utilized through a non-custodial sentence. The family is ready to receive him back home and assist him where necessary. I believe the applicant is a perfect fit for anon-custodial sentence. A community service order is therefore efficient for the remaining period. He is directed to serve the same for five months at Jasho primary school. During this period, the probation officer is obligated to file monthly reports in court in ensuring compliance of the sentence and its effectiveness.

SIGNED, DATE AND DELIVERED AT ELDORET THIS 11TH DAY OF APRIL 2024.



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R. NYAKUNDI
JUDGE

