



**Dome v Republic (Criminal Revision E080 of 2023)
[2024] KEHC 4281 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4281 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E080 OF 2023
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

COLLINS DOME 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 stealing contrary to section 268(1) as read with section 275 of the penal code.
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 March 27, 2024. The report is responsive and recommends him for a probation sentence for a period of 18 months.
4. The applicant is pleading for a non-custodial sentence and he is willing to serve a non-custodial sentence for the remainder of his 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 prison authorities indicated that he was assigned work in the shamba and also store attendant. Further, during his period in custody, he has maintained contact with his family and they are willing to welcome him back. If there are any other underlying issues, the probation officer ought to pursue a victim-offender mediation. I believe the applicant is a perfect fit for anon-custodial sentence. The applicant is allowed to go and serve a probation sentence for a period of 18 months. The Probation officer shall file monthly reports for purposes of ensuring compliance and effectiveness of the sentence.



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

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R. NYAKUNDI

JUDGE

