



**Gichorio v Republic (Criminal Revision E071 of 2024)
[2024] KEHC 4284 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4284 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E071 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

PETER GICHORIO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and sentenced on his own plea of guilty to 1 year imprisonment for the offence of stealing contrary to section 268 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 26th March, 2024. The report is positive and recommends him for a community service order at Langas Police station.
4. The applicant admits to this offence, he is remorseful and is willing to serve a non-custodial sentence. The applicant further cites that he is ongoing with his studies. The nucleus of any correctional system is its rehabilitative and reparative functions.
5. In my considered view and taking into consideration the probation report, 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 requested that he may be considered for release so that he can continue with his studies. I believe the applicant is suitable for a non-custodial sentence. A community service order is therefore efficient for the remaining period. He is directed to serve the same for forty days at Langas Police station.

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



R. NYAKUNDI
JUDGE

