



REPUBLIC OF KENYA



**Kemboi v Republic (Criminal Revision E056 of 2024)
[2024] KEHC 3473 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3473 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E056 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

ABRAHAM KEMBOI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

Representation:

Mark Mugun for the state

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 26th March, 2024. The report is responsive and recommends him for a probation sentence for a period of 1 month.
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 has reformed and he is well behaved. I believe the applicant is a perfect fit for anon-custodial sentence. One month is such a short period that can be served on probation. For that reason, the applicant is allowed to go and serve a probation sentence for a period of 1 month.



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

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R. NYAKUNDI

JUDGE

