



**Kesio v Republic (Criminal Revision E286 of 2023)
[2024] KEHC 3431 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3431 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E286 OF 2023
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

STEPHEN KESIO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged, tried, convicted and sentenced to 2 years 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 responsive and recommends him for a probation sentence for a period of 7 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 applicant having served a substantial part of his sentence has been rehabilitated. If there are any other underlying issues, the probation officer ought to pursue a victim-offender mediation. The local authorities also indicated that they have no problem with having the applicant released. 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 seven months. The Probation officer shall file monthly reports to ensure compliance and that the sentence is served effectively.

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



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R. NYAKUNDI
JUDGE

