



**Kilimo v Republic (Criminal Revision E049 of 2024)
[2024] KEHC 4295 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4295 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E049 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

ELIAS KIMUTAI KILIMO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged, tried, convicted and sentenced to 4 years imprisonment on 2 counts of the offence of assault causing actual bodily harm contrary to section 251 of the Penal Code. On the third count, he was sentence to pay a fine of Kshs. 10,000/= in default, 1 year imprisonment.
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 sentence review. That he may serve a non-custodial sentence. The probation officer filed a report on 25th March, 2024. The said report is non-responsive. The probation officer stated that the applicant has served 6 months imprisonment and he is left with three years and four months to complete his sentence and therefore is not fir for a non a custodial sentence. I couldn't agree more. The applicant would be considered for a non-custodial sentence in the future and not at this stage.
4. The application therefore lacks merit and it is dismissed pursuant to section 382 of the CPC.

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

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R. NYAKUNDI

JUDGE

