



**Kipchirchir v Republic (Criminal Revision E025 of 2024)
[2024] KEHC 4328 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4328 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E025 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

KELVIN KIPCHIRCHIR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged, tried, convicted and sentenced to 5 years imprisonment for the offence of Assault contrary to section 251 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 25th March, 2024. The report is responsive and recommends him for a probation sentence for a period of 34 months.
4. The applicant is pleading for a non-custodial sentence on grounds that he has reformed and he will not reoffend. He is willing to perform community service if he benefits from the court’s leniency. 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. The prison authorities indicated that he has reformed and as such he could be considered for a non-custodial sentence. I agree. The applicant is allowed to go and serve a probation sentence for a period of thirty-four months. The Probation officer shall file monthly reports to ensure 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

