



**Kulundu v Republic (Criminal Revision E061 of 2024)
[2024] KEHC 4287 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4287 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E061 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

NEWTON KULUNDU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

Coram: Before Justice R. Nyakundi

Mark Mugun for the state

1. The applicant was charged with the offence of breaking into a building and committing a felony contrary to section 306(a) of the Penal code.
2. The applicant pleaded guilty and as a consequence, he was convicted on his own plea of guilty and sentenced to serve three years imprisonment.
3. 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.
4. The applicant seeks sentence review. That he may serve a non-custodial sentence. The probation officer filed a report on 26th March, 2024. The said report is non-responsive. The probation officer stated that the applicant has served 3 months imprisonment and that falls short of any meaningful sentence. I couldn't agree more. The applicant would be considered for a non-custodial sentence in the future and not at this stage.
5. 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

