



**Mburu v Republic (Criminal Revision E073 of 2024)
[2024] KEHC 4283 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4283 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E073 OF 2024
RN NYAKUNDI, J
APRIL 11, 2024**

BETWEEN

PATRICK MBURU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and sentenced on his own plea of guilty to 2 years imprisonment for the offence of stealing from a person contrary to section 279(1) 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 March 26, 2024. The report is responsive and recommends him for a probation sentence for a period of 1 year 6 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 period served by the applicant has shaped his character. The prison authorities indicated that he has reformed and he has earned a few skills that will be of benefit to him. I believe the applicant is a perfect fit for anon-custodial sentence. He is a first-time offender, the items were recovered and he is remorseful. For these reasons, the applicant is allowed to go and serve a probation sentence for a period of 1 year and 6 months. During this period, the probation officer is obligated to file monthly reports in court in ensuring compliance of the sentence and its effectiveness.

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



R. NYAKUNDI
JUDGE

