



**Opaya v Republic (Revision Case E137 of 2024)
[2024] KEHC 3292 (KLR) (9 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3292 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E137 OF 2024
HM NYAGA, J
APRIL 9, 2024**

BETWEEN

OSCAR OPAYA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file has been brought up for revision in order to decongest the Nakuru GK Prison.
2. The Applicant was charged with the offence of:
 - Destroying crop of cultivated produce Contrary to Section 334(a) of the *Penal Code*.

The particulars are that;

On the 13th day of December 2023 at around 1500 hours at Nyadarua Farm Solai in Rongai Sub County within Nakuru County, wilfully and unlawfully destroyed crop of cultivated produce namely coffee valued at Kshs. 13,800/=, the property of Julius Wainaina Njoroge.

3. He pleaded guilty and he was sentenced to serve twelve (12) months imprisonment.
4. The Applicant has served a substantial part of this sentence.
5. The Sentence Review Report by the Probation Officer, Nakuru County found the Applicant suitable for Community Service. It is recommended that he performs the same at Solai Chief's Camp.
6. I find this case fit for Revision and order that the sentence of the trial court be revised. The Applicant is now to serve the remainder thereof under Community Service at Solai Chief's Camp for six (6) months.
7. The terms will be explained to him.



DATED, SIGNED AND DELIVERED AT NAKURU THIS 9TH DAY OF APRIL, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

N/A for state

