



**Ramadhan v Republic (Criminal Revision E070 of 2024)  
[2024] KEHC 3428 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3428 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E070 OF 2024  
RN NYAKUNDI, J  
APRIL 11, 2024**

**BETWEEN**

**ISMAEL RAMADHAN ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged and sentenced on his own plea of guilty to 3 years imprisonment for the offence of breaking into a building and committing a felony contrary to section 306(a) 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 26<sup>th</sup> March, 2024. The report is positive and recommends him for a probation sentence for a period of 1 year and 8months.
4. The applicant states that he has learned a lesson and would wish to be given a chance through non-custodial. He prays that he be considered for a non-custodial sentence and promises to abide by all the conditions given. The nucleus of any correctional system is its rehabilitative and reparative functions.
5. I have considered the report and noted that the applicant has only served a period of three months out of 3 years. It has been suggested that he is sickly and that the prison authorities have earmarked him for early release due to his health status. The family is aware of his status in prison and are requesting for leniency to allow them to give him medical attention.
6. In my considered view and taking into consideration the probation report, the circumstances of the applicant allow him benefit from a non-custodial sentence. This could not be the case in ordinary



circumstances. An accused person ought to serve a reasonable period to facilitate rehabilitation. The remaining period of 1 year 8 months can be utilized through a non-custodial sentence. I believe the applicant is suitable for a non-custodial sentence. He is hereby placed on a probation sentence for a period of 1 year 8 months. During this period the probation officer shall file monthly reports, undertake victim offender mediation, and follow up on any other underlying issues for the applicant to stay away from any criminal activities and that any re-offending of any nature shall suspend the probation order and the court shall be at liberty to resentence the applicant to serve the full term of imprisonment.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 11<sup>TH</sup> DAY OF APRIL 2024.**

.....

**R. NYAKUNDI**

**JUDGE**

