



**Mainya v Republic (Criminal Revision E089 of 2024)
[2024] KEHC 6515 (KLR) (13 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6515 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E089 OF 2024**

WA OKWANY, J

MAY 13, 2024

BETWEEN

RODGERS MAINYA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Chief Magistrates' Court at Nyamira, Criminal Case No. E219 of 2023 by Hon. B. Okong'o, Resident Magistrate on 22nd March 2023)

RULING

1. The Applicant was convicted on his own plea of guilty for the offences of breaking into a building with intent to commit a felony contrary to Section 307 of the Penal Code and Malicious damage to property contrary to Section 339 (1) of the Penal Code.
2. The trial court sentenced him to pay a fine of Kshs. 100,000/= for the first count and Kshs. 100,000/= for the second count. He was further ordered to compensate the complainant in the sum of Kshs. 30,000/= or in default, to serve 5 years' imprisonment. The Applicant has served 23 months of his sentence.
3. The Sentence Review Report filed on 3rd April 2024 by the Probation Officer Nelson Maroa recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Ekerenyo Police Station under the supervision of the Officer Commanding Station for a period of 6 months.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 13TH DAY OF MAY 2024.

W. A. OKWANY



JUDGE

