



**Asembeka v Republic (Criminal Revision E291 of 2023)  
[2024] KEHC 10575 (KLR) (21 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 10575 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL REVISION E291 OF 2023  
CJ KENDAGOR, J  
JUNE 21, 2024**

**BETWEEN**

**VINCENT LUVAYO ASEMBEKA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

**Order on Revision**

1. This Revision emanates from the Criminal Revision Exercise undertaken by the then Chairperson of the National Committee on Community Service Orders, invoking its powers of Revision. On 20<sup>th</sup> December, 2023, the Court directed that a Sentence Review Report be prepared for consideration.
2. The convict was sentenced to 7 years' imprisonment for the offense of Stealing by Servant contrary to Section 281 of the Penal Code and was convicted on his plea of guilty. He was sentenced to 7 years' imprisonment on 1<sup>st</sup> August 2022.
3. I have considered the sentence review report prepared by the Probation Officer, Muranga County Station, and presented to the Court on 12<sup>th</sup> March 2024.
4. The Probation Officer's report indicates that the convict is remorseful and merits leniency. The victim opined that the period the convict has spent in prison could be said to have been sufficient punishment in the circumstances of the case and he has no objection to the review of the sentence. The convict is a first offender and has been in custody since his arraignment in court on 28<sup>th</sup> April 2022.
5. The case is suitable for sentence review, I set aside the default sentence and substitute it with the period already served.
6. The convict shall be released forthwith unless otherwise lawfully held.



7. It is so ordered.

**DELIVERED, DATED, AND SIGNED AT NAIROBI ON THIS 21<sup>ST</sup> DAY OF JUNE, 2024.**

.....

**C. KENGAGOR**

**JUDGE**

Ruling delivered through the Microsoft Teams online platform.

In the presence of;

Court Assistant: Hellen

ODPP: Mr. Oduor

Convict: Vincent Luvayo Asembeka

