



**Katiku v Republic (Criminal Revision E064 of 2024)  
[2024] KEHC 7378 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7378 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MURANG'A  
CRIMINAL REVISION E064 OF 2024  
AM MUTETI, J  
JUNE 6, 2024**

**BETWEEN**

**PATRIC MUSAU KATIKU ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The application for Revision under Section 364 of the [Criminal Procedure Code](#) has been placed before me for consideration.
2. I have perused the lower court record and noted that the applicant was charged with two counts of stealing contrary Section 268 as read with 275 of the [Penal Code](#).
3. He also faced a third count of failing to register as a Kenya citizen contrary to Section 14 (1) of the [Registration of Persons Act](#).
4. the facts recorded show that at the time of arrest he was found wearing the clothes of one of the victims. It is this particular part of the statement of facts that caught my attention.
5. I am still lost in my thoughts why place such a person in prison custody in the first place. We live in this society and as servants of the law we must remain alive to some social realities in the society we live in. I do not at all seek to justify the stealing of other people's clothes to wear them but I am concerned about the state of mind of the offender at the time. What for instance would drive a young man of 19 years to steal clothes from his neighbours and wear them? I would imagine the applicant was aware when he woke up he would be found in those clothes any way. The problem to me appears to be much deeper calling for a better mode of rehabilitation than incarceration.
6. It is true an offence was committed but in my view the applicant requires serious counselling from his relatives, neighbours and friends.



7. In the end, I am inclined to alter the sentence imposed upon him and substitute therefore an order for community service at Kitune Primary School for the balance of his prison term.

I so order.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 6<sup>TH</sup> DAY OF JUNE 2024.**

**A. M. MUTETI**

**JUDGE**

In the presence of:

Yussuf: Court Assistant

Applicant -

Mwangi for the Respondent

