



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Kearri v Republic (Criminal Revision E052 of 2024)  
[2024] KEHC 7468 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7468 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E052 OF 2024**

**WA OKWANY, J**

**JUNE 6, 2024**

**BETWEEN**

**ISHMAEL MORURI KEARRI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Senior Principal  
Magistrates' Court at Keroka, Criminal Case No. MCCR E625 of 2023  
by Hon. C. Ombija, Senior Resident Magistrate on 19th October 2023)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for the offence of breaking into a building and committing a felony contrary to Section 306 (A) of the *Penal Code* and malicious damage to property contrary to Section 339 (1) of the *Penal Code*. The trial court sentenced him to serve 3 years' imprisonment for each count, to run concurrently. The Applicant has served 5 months of his sentence. The Sentence Review Report filed on 3<sup>rd</sup> April 2024 by Probation Officer Peter Mogusu Ayienda does not recommend a non-custodial sentence. I hereby direct that the Applicant continues to serve his sentence in custody.

Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 6<sup>TH</sup> DAY OF JUNE 2024.**

**W.A. OKWANY**

**JUDGE**

