



**Naybuti & another v Republic (Criminal Revision E024 of 2024)  
[2024] KEHC 7464 (KLR) (13 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7464 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E024 OF 2024  
WA OKWANY, J  
JUNE 13, 2024**

**BETWEEN**

**MADISON KIBANGA NAYBUTI ..... 1<sup>ST</sup> APPLICANT**

**SAMUEL MASITA AGWATA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**REPUBLIC ..... REPUBLIC**

*(From the original Conviction and Sentence in the Chief Magistrates'  
Court at Nyamira, Criminal Case No. MCCR E969 of 2023 by  
Hon. W.K. Chepseba, Chief Magistrate on 23rd November 2023)*

**RULING**

1. The Applicants were convicted on two counts of the offence of burglary contrary to Section 304 (2) and stealing contrary to Section 279 (b) of the *Penal Code*. The trial court sentenced each Applicant to serve 4 years imprisonment cumulatively for the two counts. The Sentence Review Report filed by the Probation Officer Nelson Maroa on 3<sup>rd</sup> April 2024 is in respect of the 1<sup>st</sup> Applicant only. It indicates that he has already served 5 months and 10 days of his sentence and is remaining with 2 years and 3 months to complete the same. He recommends a non-custodial sentence.
2. I hereby direct that the Applicant serves a Community Service Order at Geta Primary School under the supervision of the school Head Teacher for the remaining period of his sentence.
3. This Court makes no orders in respect of the 2<sup>nd</sup> Applicant since there is no Sentence Review Report filed for its reference.
4. I hereby direct that a Sentence Review Report for the 2<sup>nd</sup> Applicant be filed for consideration by the Court. Mention on 27<sup>th</sup> June 2024.



Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 13<sup>TH</sup> DAY OF JUNE 2024.**

**W. A. OKWANY**

**JUDGE**

