



**Wairimu v Republic (Criminal Revision E096 of 2024)
[2024] KEHC 7270 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7270 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
CRIMINAL REVISION E096 OF 2024
AM MUTETI, J
JUNE 6, 2024**

BETWEEN

SAMUEL GITAU WAIRIMU APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. I have considered the circumstances of the offence as set out in the facts recorded by the magistrate. The Applicant faced a charge of House Breaking Contrary to Section 307 of the Penal code and a second count of stealing Contrary to Section 275 of the Penal Code Cap 63 of the Laws of Kenya. He was also charged with handling of stolen goods contrary to Section 322 of the Penal Code.
2. I have noted from the record that the Applicant is not a first offender. The probation officer indicates in his report that the applicant is remorseful and regrets his actions. He further states that the community is willing to accept him back in their midst. This is the classic case of tampering justice with mercy purely of account of decongesting the prison. I would otherwise have declined to review the sentence for I doubt that the applicant appreciates the gravity of the charges he faced.
3. He falls in the category of youth that we must save from their wayward ways that have become notoriously present in many parts of the country. In his mitigation he stated that life has been so hard but he must be reminded that crime does not pay and he is not going through an experience others are not experiencing or have not endured.
4. He must learn to eat from his own sweat but not by breaking into dwelling houses and stealing chicken from other struggling members of society.
5. He is to be placed on community service at Kamahua Chief's office for a period of 6 months.



6. The probation officer to supervise and ensure that he complies with all instructions given to him during the said period. In the event he violates this order he shall be rearrested and arraigned before court for committal to prison to continue serving.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 6TH DAY OF JUNE 2024.

A. M. MUTETI

JUDGE

In the presence of:

Yussuf: Court Assistant

Applicant -

for the Respondent

