



REPUBLIC OF KENYA



**Nyataaya v Republic (Criminal Revision E086 of 2023)
[2023] KEHC 20298 (KLR) (18 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20298 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E086 OF 2023
WA OKWANY, J
JULY 18, 2023**

BETWEEN

BRIAN NYAGENA NYATAAYA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Senior Principal Magistrates' Court at Keroka, Criminal Case No. MCCR E263 of 2023 by Hon. B.M Kimtai, Senior Principal Magistrate on 11th May 2023.)

RULING

1. The Applicant was charged with the offence of stealing contrary to section 268 (1) as read with section 275 of the *Penal Code*. He was also charged in the alternative, with the offence of handling stolen goods contrary to section 322 (1) as read with section 322 (2) of the *Penal Code*. He was then convicted on his own plea of guilty on the main count and sentenced to serve 15 months imprisonment by the trial court. The Applicant has already served 2 months in custody. The Sentence Review Report filed on July 11, 2023 by Probation Officer Daisy Lang'at recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Nyatiemo Primary School under the supervision of the headteacher for a period of six (6) months.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 18TH DAY OF JULY 2023.

W A OKWANY

JUDGE

