



REPUBLIC OF KENYA



KENYA LAW
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**Boyi v Republic (Criminal Revision E076 of 2023)
[2023] KEHC 23936 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23936 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E076 OF 2023
RE ABURILI, J
OCTOBER 6, 2023**

BETWEEN

MOSES WEKESA BOYI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Chief
Magistrate Criminal Case No. E602 of 2022 at Kisumu)*

RULING

1. Moses Wekesa Boyi is a convict in Kisumu Chief Magistrate Criminal Case No E602 of 2022 where he was sentenced to serve two (2) years imprisonment on May 5, 2023 for the offence of preparation to commit a felony contrary to Section 308(1) of the *Penal Code*.
2. He denied the offence and the case proceeded to full trial. The convict is 22 years old. As at now, he has served five (5) months in prison and he was in remand for a period of nine (9) months prior to the conviction and sentencing hence he has been in prison for 14 months of the two (2) years prison term.
3. He hails from Bungoma County where he dropped out of school in class six and went to Kisumu to do casual jobs. He takes alcohol and engages in criminal activities. He was once committed to Likoni Rehabilitation School but he escaped. He relates with peers of questionable character. He has weak family ties having left his home to join street life in Kisumu. He is not remorseful and neither does he realise the seriousness of the offence. That he is sly and the community is against his being released early.
4. From the above report of the Probation Officer, the convict lives in the street of Kisumu having left his home in Bungoma which is over 100km away. It is impossible to supervise him on non-custodial sentence since he escaped from Likoni Rehabilitation School where he had been committed for rehabilitation upon committing crimes in Kisumu.



5. Accordingly, I decline to revise the lawful sentence imposed and order that the convict Moses Wekesa Boyi serves full prison term imposed on him to be rehabilitated in prison where he can learn life skills to enable him live a meaningful independent and productive life.
6. I so order
7. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF OCTOBER, 2023.

R. E. ABURILI

JUDGE

