



REPUBLIC OF KENYA



**Cheruiyot v Republic (Criminal Revision E033 of 2023)
[2023] KEHC 23814 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23814 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E033 OF 2023
JK SERGON, J
OCTOBER 19, 2023**

BETWEEN

BOAZ KIPLANGAT CHERUIYOT APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Boaz Kiplangat Cheruiyot hereinafter referred to as the applicant was convicted of the offence of defilement contrary to section 8 (1) as read with section 8 (3) of the [Sexual Offences Act](#) No. 3 of 2006.
2. On November 2, 2022, Hon Aziza Ajwang, the Learned Senior Resident Magistrate sentenced the Applicant to serve three (3) years imprisonment.
3. The proceedings relating to the aforesaid case, that is Kericho CM S.O Case No. 20 of 2020 *Republic- vs- Boaz Kiplangat Cheruiyot* were placed before this Court pursuant to the provisions of section 362 and 364 of the [Criminal Procedure Code](#).
4. The Probation Officer filed a sentence review report on July 24, 2023. In the said report it was noted that the applicant is remorseful, the applicant promised not to reoffend and to be a law abiding citizen. The prison authorities were of the view that the applicant had reformed. The probation officer also noted that the applicant has a fixed place of abode, his ancestral home at Kapkisiara Location. The Area Chief reported that the home environment was suitable for his release as the victim has been married off. The probation officer therefore recommended that the applicant completes the remaining term of his sentence on Community Service Order (CSO).
5. I have already stated the sentence pronounced by the learned Senior Resident Magistrate. The applicant has so far served ten (10) months and he is remaining with two (2) years and two (2) months to complete his sentence.



6. Having considered the fact that the sentence review report is favourable, I hereby direct that the applicant Namely:- Boaz Kiplangat Cheruiyot be set free from Prison and ordered to serve the remainder of his sentence i.e. two (2) years and two (2) months on a Community Service Order (CSO) at Kapkisiara Location under the supervision of the area Chief.

DATED, SIGNED AND DELIVERED THIS 19TH DAY OF OCTOBER, 2023.

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J.K. SERGON

JUDGE

