



**Chongoti v Republic (Criminal Revision E022 of 2023)
[2023] KEHC 23827 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23827 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E022 OF 2023
JK SERGON, J
OCTOBER 19, 2023**

BETWEEN

SALOME KEMUNTO CHONGOTI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Salome Kemunto Chongoti, hereinafter referred to as the Applicant was convicted of the offence of Obtaining Money by false pretense contrary to section 313 of the *Penal Code*.
2. On August 4, 2022, Hon. E. W. Karani, the Learned Senior Resident Magistrate sentenced the Applicant to serve 3 years imprisonment.
3. The Proceedings relating to the aforesaid case, that is Kericho C.M C C.R Case No. E070 of 2022 – Republic-vs-Salome Kemunto Chongoti 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 was remorseful and promised to be a law abiding citizen if considered for a non-custodial sentence. The prison authorities stated that Applicant was a reformed person who had learnt skills in tailoring and basket weaving which skills she could apply when out of prison. However, though the family was willing to welcome her home, the area chief intimated that the home environment was not conducive for her release since she was known to defraud people and was also serving a 3 years' imprisonment for a similar offence in which she was sentenced in June, 2023. In view of the above, the probation officer's view is that the applicant is not suitable for a non-custodial sentence.
5. I have already stated the sentence pronounced by the then Learned Resident Magistrate. The Applicant has so far served one (1) year and is remaining with two (2) years to complete his sentence.



6. Having considered the fact that the sentence review report is unfavorable and the fact that the applicant was stated to be a repeat offender, I do not think she deserves to have her sentence reviewed. I decline to interfere with the sentence imposed and direct that she continues to serve in prison the remainder of the sentence.

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

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J.K. SERGON

JUDGE

