



REPUBLIC OF KENYA



**KENYA LAW**  
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**Koech v Republic (Criminal Revision E041 of 2023)  
[2023] KEHC 23838 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23838 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERICHO  
CRIMINAL REVISION E041 OF 2023  
JK SERGON, J  
OCTOBER 19, 2023**

**BETWEEN**

**DENIS KIPLANGAT KOECH ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Denis Kiplangat Koech, hereinafter referred to as the Applicant was convicted on his own plea of guilty for the offence of Theft of Motor Vehicle Parts Contrary to Section 279 (G) of the [Penal Code](#).
2. On October 5, 2022, Hon Aziza Ajwang, the Learned Senior Resident Magistrate sentenced the Applicant to serve 4 years imprisonment.
3. The Proceedings relating to the aforesaid case, that is Kericho CMCR Case No E2090 of 2022 – Republic-vs-Denis Kiplangat Koech 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 had realized the implications of his actions. The prison authorities stated that the applicant was co-operative and was not opposed to his release. It is also stated that the home environment was still not favorable for his immediate release as his family members and Local Administrators as well as the complainant were all not receptive towards his release because of his past criminal record. The prison authorities also stated that the Applicant had registered for K.C.P.E examination and was due to sit for the same in October, 2023. In view of the fact that the home environment was not conducive for the release of the applicant and the fact that the Applicant had registered for the K.C.P.E examination in prison which was due in October, the probation officer found the Applicant not to be suitable for non-custodial sentence.



5. The Applicant has so far served one (1) year and is remaining with three (3) years to complete his sentence.
6. Having considered the probation officer's report in the Sentence Review Report, and having taken into account the fact that the offence the Applicant was convicted for attracts a maximum sentence of 14 year, its clear that the Applicant does not deserve a revision of the sentence. I decline to interfere with the sentence imposed and direct that the Accused serves the sentence imposed.

**DATED, SIGNED AND DELIVERED THIS 19<sup>TH</sup> DAY OF OCTOBER, 2023.**

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**J.K. SERGON**

**JUDGE**

