



**Kosgey v Republic (Criminal Revision E029 of 2023)
[2023] KEHC 23797 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23797 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E029 OF 2023
JK SERGON, J
OCTOBER 19, 2023**

BETWEEN

PHILEMONE KIPTOO KOSGEY APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. Philemone Kiptoo Kosgey, hereinafter referred to as the Applicant was convicted of the offence of Grievous Harm contrary to section 234 of the [Penal Code](#).
2. On May 11, 2021, Hon. S. K. Ngetich, the then Learned Principal 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. 212 of 2020 – Republic-vs-Philemone Kiptoo Koskey 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 had a positive attitude towards the non-custodial sentence and had promised to embrace positive change. The prison authorities stated that the applicant did several theological courses and had embraced Christianity and Christian values while in custody. That the applicant had promised to seek for forgiveness from the administrator he had injured and live harmoniously within the community. The applicant’s family were willing to welcome him back home and assist in his rehabilitation though the local administrators objected to his release. In view of the administrators’ objection to his release, the probation officer left the matter to the discretion of the court.
5. The applicant has so far served two (2) years five (5) months and is remaining with seven (7) months to complete his sentence.



6. Having considered the fact that the applicant's family is willing to welcome him back and assist in his rehabilitation, I hereby order that the sentence be reduced to the period already served. The applicant should therefore be set at liberty forthwith unless otherwise unlawfully held.

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

J.K. SERGON

JUDGE

