



**Waswa v Republic (Criminal Revision E034 of 2024)  
[2024] KEHC 12371 (KLR) (15 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12371 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E034 OF 2024  
JM NANG'EA, J  
OCTOBER 15, 2024**

**BETWEEN**

**BILDAD WASWA ALIAS BII ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This matter comes up for revision of sentence under the Judiciary's prison decongestion initiative. On 23/1/2024 the trial court sentenced the Applicant (Bildad Waswa "alias" Bii) to 1 year imprisonment on each limb of the charge of Burglary Contrary to Section 304(2) and Stealing Contrary to Section 279(b) of the *Penal Code*, if he failed to pay a fine of Kshs. 30,000/= on each of the two (2) limbs of the charge. The applicant has not paid the fine.
2. I have perused the Probation Officer's Report dated 11/9/2024 which recommends a probation sentence against the inmate to be served for eight (8) months or thereabouts, being the remaining prison term of the convict.
3. The Applicant's family is said to be willing and ready to assist him re-integrate back into the society. The prison authorities are also said to positively recommend the non-custodial sentence. The court is further told that the Applicant is remorseful and willing to serve the non-custodial sentence.
4. The Probation Officer's Report does not incorporate the sentiments of the offence victim some of whose stolen property was not recovered. The complainant's input was critical to establish if he has forgiven the offender.
5. The court is compelled to reject the Application for the main reason that the complainant's views are not captured considering that not all her stolen goods were recovered.
6. The Application is therefore rejected and the offender will serve the remainder of his prison term.



**DATED, SIGNED AND DELIVERED AT NAKURU THIS 15<sup>TH</sup> DAY OF OCTOBER, 2024.**

**J. M. NANG'EA, JUDGE.**

