



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIVASHA**

**CRIMINAL REVISION NO. 6 OF 2018**

*(From Original Conviction and Sentence in Criminal Case No. 1693 of 2017 of the Chief Magistrate's Court at Naivasha)*

**NAU WAMBUA.....APPLICANT**

**-VERSUS-**

**REPUBLIC.....PROSECUTOR**

**IN CHAMBERS**

**BEFORE JUSTICE MWONGO, J**

**ORDER ON REVISION**

- 1) I have considered the Chamber Summons of **Nau Wambua** filed on 1<sup>st</sup> March, 2018 together with sworn affidavit. The convict was charged with the offence of Attempted store breaking contrary to Section 307 of the Penal Code.
- 2) Applicant pleaded guilty to breaking and entering into a curio store belonging to Stephen Kinyanjui with intent to steal and did steal therefrom.
- 3) In mitigation he says he is an orphan who lived with his grandmother who was dependent on him. He is married with two children and was the only breadwinner.
- 4) I am satisfied that this is a case for revision. I however note that in this case the Applicant not only attempted but did indeed break into a curio shop form where curios were stolen.
- 5) I consider a deterrent sentence of three (3) years sufficient. The Accused may apply for review depending on his conduct after eighteen months.

**Given under my hand and the Seal of this Court this 17<sup>th</sup> day of May, 2018.**

**JUSTICE R. MWONGO**

**JUDGE**

**Dated at Naivasha this 17<sup>th</sup> day of May 2018.**

**E. KIMILU**

**DEPUTY REGISTRAR**