



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KAKAMEGA**

**HIGH COURT CRIMINAL REVISION NO.185 OF 2017**

**REPUBLIC.....PROSECUTOR**

**VERSUS**

**1. GREGORY BARIDI**

**2. S L.....ACCUSED**

**RULING**

1. *S L*, aged 17<sup>th</sup> years, was convicted of a charge of burglary and stealing contrary to **section 304(2)** and **279(b)** of the Penal Code. The trial court ordered that he be committed to Shikusa Borstal Institution for a period of 1 year. The mandatory period for committal to a borstal institution in accordance with **section 6(1)** of the Borstal Institutions Act is 3 years. It is on that basis that this file has been placed before me to correct the error made by the trial court in committing the offender to a borstal institution for a period of one year.

2. Indeed the mandatory period that a court can commit an offender to a borstal institution is 3 years. The order to commit the offender herein to Shikusa Borstal Institution for a period of one year is hereby set aside and replaced with a period of three years. The offender then to be committed to Shikusa Borstal Institution for a period of 3 years.

Orders accordingly.

**Delivered, dated and signed at Kakamega this 18<sup>th</sup> day of July, 2017.**

**J. NJAGI**

**JUDGE**