



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KABARNET

HCR REV NO. E036 OF 2025

BOAZ KIPROP.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

1. The applicant was charged with offence of stealing contrary to section 278 of the penal code. Particulars are that on 27th April 2022 at 500hrs at Patkawanin village in Kimodis Location in Baringo South Sub-Location in Baringo south Sub-County within Baringo county, accused stole one she goat valued at Kshs 7,500 the property of Collins Kabulei Cheluk.
2. Upon conviction, he was sentenced to 7 years imprisonment and he now seeks revision of sentence so as to serve probation sentence as per section 362 of the CPC and article 50(2)(p) of the constitution.
3. When the applicant appeared before court on 21st July 2025, he said he is now remaining with one year to serve and he

prayed to be allowed to serve the remaining period under probation.

4. The court called for social inquiry report which was filed.

SOCIAL INQUIRY REPORT

5. From the report the local administration stated that the applicant developed bad behavior from early age which escalated to him being arrogant and threatening people in the community including his parents. He opposed applicant being released to serve the remaining sentence within the community and prefers that he continues remaining in prison so as to acquire skills which will help him in future.

6. Prison authorities indicated that the applicant has learnt masonry and carpentry in prison and he is doing carpentry grade 2 now. He opposed his early release indicating that he has not fully reformed.

7. The applicant stated that he has been in prison for 2 years and has reconciled with complainant.

8. Probation Officer indicate that this is not applicant's first offence as he has been sentenced twice before in CR. No.930 /2018 and E015 /2021 and he was released earl 2022.they say his parents are willing to facilitate applicant

but the victim and local administration are opposed to his release.

ANALYSIS AND DETERMINATION

9. This application invokes the Court's revisionary powers under Sections 362 and 364 of the Criminal Procedure Code, which empower the Court to review sentences that are illegal, improper, or founded on error.
10. Sentencing serves multiple objectives, including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation (Judiciary Sentencing Policy Guidelines, 2023).
11. From the report given applicant is not a first offender. He has had 2 previous convictions. Even though he has learnt skills in prison, prison authorities indicate he has not fully reformed and he is also still doing carpentry grade 2 course. The local administration are also opposed to applicant's release. in view of the above I decline to revise applicant's sentence.
12. **FINAL ORDERS: -**
 - a) The sentence imposed on the Applicant is hereby declined.
 - b) The prison authorities shall ensure that arrangements are made for the Applicant to complete the training and sit the

examination.

Ruling delivered, dated and signed Virtually at Kabarnet this
15th Day of October, 2025.



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RACHEL NGETICH
JUDGE

In the presence of:

- Ms. Bartilol for State.
- Applicant present.
- CA, Momanyi.