



REPUBLIC OF KENYA



KENYA LAW
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**Kipruto v Republic (Criminal Revision E003 of 2025)
[2025] KEHC 14617 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14617 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL REVISION E003 OF 2025
RB NGETICH, J
OCTOBER 15, 2025**

BETWEEN

EDWIN KIPRUTO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with offence of stealing contrary to section 268(1) as read with section 275 of the penal code. Upon conviction, he was sentenced to 4 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*.
2. When the applicant appeared before court on 29th April 2025, he prayed for revision of sentence so as to serve the remaining sentence under probation.
3. The court called for social inquiry report which was filed.

Social Inquiry Report

4. From the report the applicant is 25 years old. The local administration stated that the applicant has been troublesome for a while due to excessive alcohol consumption and that he has received several ADR and counselling at community level without change in character. He opposed on custodial sentence as suspension in the community will be difficult in that he has already served probation sentence before and it proved difficult supervising him. The applicant's father who is the victim opposed revision of sentence stating that the applicant has been troublesome for a while and confirmed that if released, his supervision will be difficult.



5. Probation officer indicate that this is not applicant's first offence as he has been sentenced in Criminal case number E446/2020 where he was sentenced to one year probation sentence and confirmed that superseding him was difficult.

Determination

6. 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.
7. Sentencing serves multiple objectives, including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation (Judiciary Sentencing Policy Guidelines, 2023).
8. From the report given applicant is not a first offender. He has had one previous conviction. His father who is the victim is opposed to applicant being released on probation. Local administration also opposes revision of sentence. The probation officer confirmed that the applicant had difficulties supervising him while he previously served probation sentence. In view of the above, I am inclined to decline applicant's prayer for revision of sentence.
9. 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.

