



**Lomeri v Republic (Criminal Revision E038 of 2025)
[2025] KEHC 13686 (KLR) (2 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13686 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL REVISION E038 OF 2025
RB NGETICH, J
OCTOBER 2, 2025**

BETWEEN

LOYOLO LOMERI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant, Loyolo Lomeri, was jointly charged with three others in Count I with the offence of Burglary contrary to Section 304(2) of the Penal Code. The particulars were that on the night of 18th August 2024 at Chemolingot, Tiaty West Sub-County within Baringo County, they broke and entered the Tiaty West Sub-County store, the property of the Deputy County Commissioner, through Mr. Vincent Mutuku.
2. In Count II, they were charged with Stealing contrary to Section 279(b) of the Penal Code, in that on the same night and place, while using a red Boxer motorcycle without a registration number, they stole three bags of beans and three bags of rice (each weighing 50kg) valued at Kshs. 48,000/=, the property of the Republic through Mr. Mutuku.
3. They denied the charges, and the matter proceeded to full trial. The prosecution called five witnesses. By judgment delivered on 25th February 2025, the trial court found the prosecution had proved its case against Accused 2 (the present Applicant) and Accused 3, and convicted them accordingly. Accused 1 and 4 were acquitted under Section 215 of the Criminal Procedure Code. On 17th March 2025, the Applicant and his co-convict were each sentenced to serve four (4) years' imprisonment.
4. The Applicant has approached this Court by an undated application seeking revision of the sentence. He urges that his sentence be reduced, citing that he is remorseful, a first offender, reformed and rehabilitated, and that he has a young family dependent on him.



5. When the matter came up on 5th June 2025, the Applicant indicated that he had about 20 months of his sentence left to serve. The Court directed that a social inquiry report be filed, which was duly availed.

Social Inquiry Report

6. The report indicates that the Applicant, aged 37 years, dropped out of school in 2006 due to lack of basic needs following the demise of his parents. He thereafter engaged in casual jobs and sand harvesting. He is married to two wives and has eight children. The family survives on casual jobs and livestock keeping, though the latter is often disrupted by conflicts arising from cattle rustling. The family is impoverished.
7. Apart from the Applicant, no other family member has a criminal record. The prison authorities describe him as hardworking and committed to rehabilitation. He has undertaken carpentry training at Kabarnet GK Prison and is expected to sit for his NITA Grade III examinations in December 2025. The prison recommends that he be allowed to complete the training, which is viewed as crucial for his reintegration.
8. The Applicant admits the offence and pleads for leniency, explaining that hardship and hunger drove him to crime. He prays for substitution of his sentence with a non-custodial option so that he may support his family.
9. The area chief and the Applicant's wife both confirmed his status as a first offender. They expressed no objection to his sentence being reviewed but suggested he should complete his prison training before release.

Determination

10. 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.
11. The Court has considered the Applicant's mitigation, the social inquiry report, and the views of stakeholders. It is not disputed that the Applicant is a first offender, remorseful, and rehabilitating through carpentry training.
12. Sentencing serves multiple objectives, including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation (Judiciary Sentencing Policy Guidelines, 2023). In this case, rehabilitation and reintegration appear paramount, given the Applicant's progress in prison and family responsibilities.
13. The social inquiry report strongly recommends that the Applicant completes his training and sits for the NITA Grade III examination, which would empower him with employable skills. This Court is persuaded that such rehabilitation is in both his and society's best interests.
14. In the circumstances, the Court finds merit in the application. The custodial sentence of four years' imprisonment is hereby revised to run until completion of the Applicant's carpentry course and sitting for the NITA Grade III examination scheduled for December 2025. Upon completion of the examination, the Applicant shall be released forthwith, unless otherwise lawfully held.
15. Final orders:-
 - a. The sentence imposed on the Applicant is hereby revised.



- b. The Applicant shall remain in prison custody until he completes his carpentry training and sits for the NITA Grade III examination in December 2025.
- c. Upon sitting for the said examination, the Applicant shall be released from prison, unless otherwise lawfully held.
- d. 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 2ND DAY OF OCTOBER, 2025.

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RACHEL NGETICH

JUDGE

In the presence of:

Ms. Kosgei for State.

Applicant present.

CA, Elvis.

