



**Republic v Kenda alias Samuel alias Manu (Criminal Case E792 of 2024) [2024] KEMC 169 (KLR) (3 September 2024) (Ruling)**

Neutral citation: [2024] KEMC 169 (KLR)

**REPUBLIC OF KENYA  
IN THE NAKURU LAW COURTS  
CRIMINAL CASE E792 OF 2024  
PA NDEGE, SPM  
SEPTEMBER 3, 2024**

**BETWEEN**

**REPUBLIC ..... PROSECUTION**

**AND**

**PATRICK MWAI KENDA ALIAS SAMUEL ALIAS MANU ..... ACCUSED**

**RULING**

1. The accused person herein, Patrick Mwai Kenda Alias Samuel Alias Man-U, was on 17/07/2024 convicted upon own plea of guilt on 4 counts of the offence of Breaking into a Building and Committing a Felony c/s 306(a) of the *Penal Code*. The particulars are that on 25/03/2024 at Nakuru County Teaching and Referral Hospital, in Nakuru West sub-County within Nakuru County, he broke and entered the office of the in-charge radiography department and committed therein a felony namely stealing to wit Lenovo laptop valued at Kshs. 45,000, Oppo A52 valued at Kshs. 30,000, laptop bag valued at Kshs. 5,000, infinix charger valued at Kshs. 1,000 all valued at Kshs. 81,000 the property of RICHARD KIPKEMOI; Power bank valued at Kshs. 2500, backpack bag valued at Kshs. 3000, theatre scrubs valued at Kshs. 2000, water bottle valued at Kshs. 500 all valued at Kshs 8000 the property of BRENDA BOSIBORI; backpack bag valued at Kshs. 2000 and lab coat valued at Kshs. 2100 all valued at Kshs 4100 the property of EZEKIEL TANUI; Backpack bag valued at Kshs 700, Masai Shuka valued at Kshs 700 and thermos flask valued at Kshs. 650 all valued at Kshs. 2050 the property of Daniel Guandaru Muthoni.
2. This court received mitigations and records from the accused and prosecutions respectively. It the called for a probation officer’s report with respect to the suitable sentence for the accused person herein. It is noteworthy that in its submissions during the sentence hearing, the prosecution informed the court that the accused had no previous records. However, in the probation officer’s report dated 31/07/2024, the accused was found to have a previous ‘incarceration’. There was however no elaboration of whether this was a conviction or not. I thus do hereby find the probation officers report to be inconclusive on



this and do hereby summon the Probation Officer concerned, Carol Irungu, of Nakuru Probation Office to attend court to elaborate and/or issue a further explanation on her report.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 03<sup>RD</sup>- DAY OF SEPTEMBER , 2024**

**ALOYCE-PETER-NDEGE**

**SENIOR PRINCIPAL MAGISTRATE**

In the presence of;

Court interpreter: Janet

Prosecution's Counsel: Chinga

Accused: Present

Victims:

Chinga: Praying for a further mention to avail the records

Accused: I do agree

CT: Fr. Mn on

