



**Korir v Republic (Criminal Revision E046 of 2025)
[2025] KEHC 15141 (KLR) (23 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15141 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CRIMINAL REVISION E046 OF 2025
RB NGETICH, J
OCTOBER 23, 2025**

BETWEEN

ARON KORIR APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Aron Korir was charged with offence of breaking into a building and committing a felony contrary to section on 306(a) of the penal code. Particulars are that on 18th December 2023 at Nginyang trading centre, Loyamarok location in Tiaty East subcounty within Baringo county, accused broke and entered a building namely a shop of Gladys Mutuma and committed a felony namely theft of (1) M-Kopa touch screen phone make itel and its charger(20 a crate of eggs,(3)15kgof rice (4) Tomatoes (5) groundnuts (6 0 bananas and (7) oranges all valued at Thirty six hundred(30,600) the property of the said Gladys Mutuma.
2. Upon conviction, he was sentenced to 3 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 24th 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 applicant is 21 years old. He dropped out of school in class 4 due to lack of family support. He started selling firewood and water to support his siblings and grandparent, work which he did until he was arrested.



6. The local community stated that applicant was engaged in several cases of stealing prior to his arrest where all matters were settled out of court and his father promised to pay and assist him reform. The applicant together with his sibling were left by parents at tender age and therefore lacked parental care and as a result have been negatively influenced by peer pressure. They say he was forced into parenthood to take care of his siblings at tender age and have been forced to venture into crime to meet the needs of his siblings and they are of the view that he has learnt his lesson in prison and are not opposed to review of his sentence.
7. The applicant's Aunt is willing to assist the applicant reintegrate back to community and also support him take care of his siblings. From the report, she has tried to reconcile with the victim though the victim has not been compensated.
8. Report from prison authorities is that the applicant has been counselled and for the last one year, he has been trained as a carpenter though he is yet to sit for NITA examination which will be taken in December.
9. The probation office undertakes to work closely with applicant's Aunt to assist him settle if released, support him secure casual jobs to support his siblings and attach him to an experienced carpenter to gain experience in his area of training, work closely with local administration to ensure that applicant's siblings are supported, provide guidance and counselling and work closely with religious leaders for spiritual support.

Analysis And 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. Sentencing serves multiple objectives, including retribution, deterrence, rehabilitation, restorative justice, community protection, and denunciation (Judiciary Sentencing Policy Guidelines, 2023).
12. From the report given applicant had involved himself in criminal acts of stealing before though resolved out of court which explain why he no criminal records. Despite his not clean record prior to arrest, the community are willing to accept him back because according to them, he was forced to steal so as to fend for his siblings having assumed parental responsibility at young age. The Aunt, community and probation office are willing to support the applicant in the journey of reform. In view of the above, I am inclined to review the applicant's sentence.
13. Final Orders: -
 - a. The applicant's sentence is hereby reviewed to one-year probation sentence for the remaining period.
 - b. The prison authorities, probation office and family to support the applicant to complete his training and sit for NITA Examination in December 2025.

RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 23RD DAY OF OCTOBER, 2025.

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RACHEL NGETICH

JUDGE



In the presence of:
Ms. Bartilol for State.
Applicant present.
CA, Momanyi.

