



**Kyalo v Republic (Criminal Revision E108 of 2025)
[2025] KEHC 14820 (KLR) (22 October 2025) (Judgment)**

Neutral citation: [2025] KEHC 14820 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MAKUENI
CRIMINAL REVISION E108 OF 2025
TM MATHEKA, J
OCTOBER 22, 2025**

BETWEEN

WAMBUA KYALO APPLICANT

AND

REPUBLIC RESPONDENT

JUDGMENT

1. Wambua Kyalo was convicted and sentenced to three years’ imprisonment in Makueni. CR E700/2024 for the offence of stealing contrary to section 268 as read with section 275 of the Penal Code. This was on 14/7/2025.
2. Thereafter he filed a document headed “Application for mitigation and revision of sentence Brief submission”
3. The context of this document is to seek this court’s consideration of his

“Remorsefulness, age, health... the burden [he] has left back home and either quash the conviction and set aside the sentence or reduce the (sentence)
4. I have looked at the record of the trial court. It clearly demonstrates that the application mitigated before the trial court – that he had 2 children, sole bread winner, that his father was a drunkard, and his mother paralysed.
5. The trial court sought a pre-sentence report which was filed by Probation & After Care Services Makueni.
6. The applicant was found to be unsuitable for non-custodial sentence for the reasons that;He was not 1st offender; The offence he had committed – theft of a submersible pumping system for the



Athi Mavindini Project a public/community benefit project – had disrupted the livelihood of the community.

7. The trial court considered his mitigation, the period he had been in custody, and the social inquiry report – in arriving at the sentence.
8. The trial court therefor considered his mitigation before sentence and there are no grounds upon which this court can review his sentences.
9. I find that the application for review is without merit and dismissed.
10. The applicant to serve his sentence.

DATED, SIGNED AND DELIVERED THIS 22ND OCTOBER, 2025

MUMBUA T MATHEKA

JUDGE

Chrispol CA

Applicant Present virtually at Makueni Maximum Prison

Mr. Kazungu for State

