



REPUBLIC OF KENYA



KENYA LAW
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**Wanjala v Republic (Revision Case E278 of 2024)
[2025] KEHC 15720 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15720 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
REVISION CASE E278 OF 2024
MS SHARIFF, J
OCTOBER 15, 2025**

BETWEEN

NALUENDE WAMBUA WANJALA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Naluende Wanjala Wambua was charged and convicted of the offence of burglary and stealing contrary to Section 304 (2) and 279 of the Penal code in Bungoma MCCR No. E673/2023 and was sentenced to serve 2 years and 4 years jail term respectively for burglary and stealing; the sentences were to run concurrently.
2. The Applicant has moved this court for review of his sentence on grounds that he has already served 2 years thereof is reformed and ready to be re-admitted back to the society.
3. I have considered the application herein and a sentence review report dated 22.7.2025 filed herein on 23.7.2025 by Donah Psirmoi, the Probation officer Bungoma and I do note that the same is favorable to the applicant.
4. It is noteworthy that the Applicant is not challenging the legality of his sentence save that he craves to be placed under Community Service Order for the remaining term of his sentence.
5. The Area Chief of Bwake location has opined that the Applicant is suited for review of his sentence to a non-custodial one and he undertakes to supervise him in the event this court consider this application favourably.
6. This court has Jurisdiction to review the sentence as per the provision of Section 364 (1) (b) of the Criminal Procedure Code CAP 15 Laws of Kenya which provides as follows:



- (1) In the case of a proceeding in a subordinate court the record of which has been called for or which has been reported for orders, or which otherwise comes to its knowledge, the High Court may—
 - (a) in the case of a conviction, exercise any of the powers conferred on it as a court of appeal by sections 354, 357 and 358, and may enhance the sentence;
 - (b) in the case of any other order other than an order of acquittal, alter or reverse the order.
7. Section 3 of the Community Service Order Act No. 10 of 1998 provides that: -
 - (1) Where any person is convicted of an offence punishable with—
 - (a) imprisonment for a term not exceeding three years, with or without the option of a fine; or
 - (b) imprisonment for a term exceeding three years but for which the court determines a term of imprisonment for three years or less, with or without the option of a fine, to be appropriate the court may, subject to this Act, make a community service order requiring the offender to perform community service.
8. Upon considering this application, the affidavit in support thereof and the sentence review report, I am inclined to issue a Community Service Order and I order that the Applicant to serve the remaining period of his custodial sentence outside the prison by performing free Community Service at Bwake Chief's office.
9. The Area Chief Bwake location shall supervise the Applicant during this period and in the event of default in compliance with the Community Service order, the Applicant shall be committed back to prison.
10. This file is hereby marked as closed.

DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 15TH DAY OF OCTOBER, 2025.

MWANAISHA S. SHARIFF

JUDGE

