



**Kibet alias Kibe v Republic (Criminal Revision E318 of 2025)
[2025] KEHC 17300 (KLR) (25 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17300 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E318 OF 2025
RN NYAKUNDI, J
NOVEMBER 25, 2025**

BETWEEN

NOAH KIBET ALIAS KIBE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with Robbery with violence contrary to Section 295 as read with Section 296(2) of the Penal Code. The brief facts of the particulars of the offence are that on the 22nd day of August 2025 at around 0730hrs at Moi Talai Trading Centre, in Kesses Sub County within Uasin Gishu County, robbed Michael Rono Too cash Kshs 620/= and immediately before the time of such robbery harmed the said Michael Rono too. The Applicant was convicted and sentenced I year imprisonment on 7 October 2025.
2. The Applicant has approached this Court vide an application for review of sentence under Section 362 as read with Section 364 of the CPC.
3. As a consequence of that the Probation Officer filed a presentence review report which had the following components:

D. Current Home And Personal Circumstances

The inmate is the son to the Late Julius Yego and Irene Jepkemei who hail from Chepaiywa location in Uasin Gishu County. The family are peasant farmers. He is the second born in a family of five siblings. He comes from a relatively low socio economic home background. He dropped out of school at primary level due to difficulties learning.



Prior to his arrest, he was living alone in Kesses and a casual laborer. The complainant in this matter was his friend. Our assessment finds that the home environment is suitable for non-custodial rehabilitation.

E. Prison Assessment, Rehabilitation And Re-integration:

He has also participated in rehabilitation programs of counseling and as per the prison authorities; he has maintained a positive attitude.

F. Inmate's Attitude Towards Non-custodial Measures

The inmate pleads with this honorable court to be granted a non-custodial sentence for the remaining period of his sentence. He is open and willing to serve a non-custodial sentence for the remaining period of his sentence.

G. Recommendations

Your Lordship, the inmate is aged 24 years. He was convicted for the offence of stealing and was sentenced for one year. He has served three months of his sentence and has demonstrated good behavior while incarcerated. The inmate has expressed remorse for his actions and has taken steps to address the underlying issues by participating in counseling and rehabilitation and he has maintained a positive attitude throughout his incarceration.

From our inquiries, we established that, the complaint in this matter was his friend and prior to the sentencing he had wished to forgive the inmate and have the case withdrawn, but the intention was overtaken by the court process. He has expressed his forgiveness for the inmate actions and he voiced his support for early release. He is willing to assist him re-settle at home and find a meaningful engagement so that he can meet his needs.

Your Lordship, considering the above facts and findings, it is our assessment that the inmate is suitable candidate for early release.

We therefore recommend that; he be placed on community service for three (3) months at Cheplembus Chief's Office. This recommendation is made subject to the discretion of this Honorable Court.

Decision

4. First and foremost the fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just peaceful and safe society by imposing just sanctions that have one or more of the following objectives:
 - a. To denounce unlawful conduct;
 - b. To deter the offender and other persons from committing offences;
 - c. To separate offenders from the society, where necessary;
 - d. To assist in rehabilitating offenders;
 - e. To provide reparations for harm done to victims or to the community; and
 - f. To promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.



5. From the reading of the record the sentence imposed should be reduced on account of the relevant mitigating circumstances relating to the offence and the offender. As a consequence of this I exercise discretion to review the custodial sentence and have it substituted with a non-custodial sentence C.S.O for three (3) months at Cheplembus Chief's Office. With this order the Applicant shall be removed from custodial correctional facilities and placed under the supervisory of the Probation Officer forthwith. It is so ordered.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 25TH DAY OF NOVEMBER, 2025

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R. NYAKUNDI
JUDGE

