



**Lagat v Republic (Criminal Revision E314 of 2025)  
[2025] KEHC 17289 (KLR) (25 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17289 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E314 OF 2025  
RN NYAKUNDI, J  
NOVEMBER 25, 2025**

**BETWEEN**

**WELDON KIPTOO LAGAT ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with house breaking and committing a felony contrary to Section 304(1) (b) of the Penal Code. The brief facts of the particulars are that on the 27<sup>th</sup> day of August 2024 at around 1200 hours at Kapkorio village in Moiben Sub-County, within Uasin Gishu County, broke and entered the building used as dwelling house by Sally Rotich and committed a felony therein namely stealing and stole Samsung 43-inch TV, Tecno spark 10 phone, 6 kgs mwangaza gas cylinder, two pair of sport shoes, two jackets, six jeans trousers and one T-shirt all valued at Ksh 83,345 property of the said Sally Rotich. The Applicant pleaded guilty and was convicted and sentenced to serve 4 years imprisonment on 2<sup>nd</sup> September 2025.
2. As a consequence of that the Probation Officer filed a presentence review report which had the following components:

**D. Current Home And Personal Circumstances**

My Lord, the inmate is the son of John Lagat and Mary Lagat. He is a resident of Chepkanga area in Moiben sub-county within Uasin gishu county. The inmate is the 3rd born in a family of 7 children. The inmate and his siblings lived with their parents at their home in Chepkanga. Before his arrest, he worked as a motorcycle operator within Chepkanga area. He is a form 4 leaver from Chepkoilel secondary. He is not married. He has plans to join college after release.



**E. Prison Assessment, Rehabilitation And Re-integration:**

Your Lordship, the inmate attended theology classes during his stay in prison. Prison authorities have nothing negative about him. The complainant has forgiven the inmate and has no objection to his early release. The inmate’s family is looking forward to a reunion. They are eagerly waiting for his release.

**E. Offender’s Attitude Towards Non-custodial Measures**

My Lordship, the inmate is positively responsive to early release. He is ready to spent the rest of his remaining term out on a non-custodial sentence. He is also willing to join college after release. He has learned the consequences of breaking the law.

**F. Recommendations**

Your Lordship, with regards to the above information, the inmate is recommended to serve a Probation Order for a period of 1 year 2 months under the supervision of Eldoret probation station.

**Decision**

- 3. 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.
- 4. 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 for 1 year 2 months under probation. 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 25<sup>TH</sup> DAY OF NOVEMBER, 2025**

.....

**R. NYAKUNDI**  
**JUDGE**

