



**Kipchumba v Republic (Criminal Revision E297 of 2025)
[2025] KEHC 17984 (KLR) (3 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 17984 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E297 OF 2025
RN NYAKUNDI, J
DECEMBER 3, 2025**

BETWEEN

COLLINS KIPCHUMBA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged of stealing contrary to Section 268 as read with Section 275 of the penal code. The brief facts are on the 18th day of August 2024, at around 1720hrs at Kapkenduiwo area in Kapseret sub county within Uasin Gishu County, stole Kshs. 186,000/= the property of Noah Kipchirchir Rop.
2. The Applicant pleaded guilty and was sentenced to 3 years' imprisonment on 11th February 2025.
3. The applicant has approached this court pursuant to sections 357,362,364& 382 of the Criminal Procedure Code as construed with Article 50(2) (p) & (q) as conjunctively read with Article 50(6)(a) &(b) of *the Constitution*.
4. In determining whether to impose a custodial or non-custodial sentence, the court is required to take into account the following factors: -
 - a) Gravity of the offence: - sentence of imprisonment should be avoided for misdemeanour.
 - b) Criminal history of the offender. Taking into account the seriousness of the offences, first offenders should be considered for non-custodial sentence.
 - c) Character of the offender: - non-custodial sentence are best suited for offenders who are already remorseful and receptive to rehabilitative measures.
 - d) Protection of the community: - where the offender is likely to pose a threat to the community.



- e) Offender's responsibility to third parties: - where there are people depending on the offender.
5. Having considered the application, the probation report, and the circumstances of this case, I find that the sentence of 3 years' imprisonment imposed by the trial court was appropriate and proportionate to the gravity of the offence committed. The applicant stole a substantial sum of Kshs. 186,000/= from the complainant. While I note that the applicant is a first offender who has expressed remorse, the nature and value of the property stolen, coupled with the need to send a clear message that property crimes of this magnitude will be met with custodial sentences, outweighs the mitigating factors presented. Accordingly, this application for sentence review is hereby disallowed, and the sentence of 3 years' imprisonment shall be served to completion.
6. Orders accordingly.

SIGNED, DATE AND DELIVERED AT NOVEMBER THIS 3RD DAY OF DECEMBER, 2025.

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R. NYAKUNDI

JUDGE

