



**Alube v Republic (Criminal Revision E305 of 2024)  
[2025] KEHC 562 (KLR) (30 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 562 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E305 OF 2024  
PN GICHOHI, J  
JANUARY 30, 2025**

**BETWEEN**

**ALFRED ALUBE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. This file has been brought up for Revision in order to decongest the Nakuru GK prison.
2. The Applicant (Alfred Alube) was charged in *Molo MCCR E305 of 2024* with the offence of;

**Count I**

3. Resisting arrest from police officers in due execution of police officers duties contrary to Section 103 (a) of the *National Police Service Act* No. 11(A) of 2011.
4. The particulars are that on the 7<sup>th</sup> day of February 2023 at Londiani township in Londiani Sub County within Kericho County wilfully and unlawfully resisted arrest from No. 86895 corporal Esbone Omari and No. 254484 PC Geoffrey Sibwoga while in due execution of police duties.

**Count II**

5. Assaulting police officers in due execution of police officers duties contrary to Section 103 (a) of the *National Police Service Act* No. 11(A) of 2011.
6. The particulars are that on the 7<sup>th</sup> day of February 2023 at Londiani township in Londiani Sub County within Kericho County while armed with a metal bar wilfully and unlawfully assaulted No. 86895 corporal Esbone Omari while in due execution of his duties.



### **Count III**

7. Being in possession of Narcotic Drugs contrary to Section 3(1)(b) of the *Narcotic Drug and Psychotropic Substances Control Act No. 4 of 1994*.
8. The particulars are that on the 7<sup>th</sup> day of February 2023 at Londiani township in Londiani Sub County within Kericho County was found being in possession of cannabis sativa (bhang) to wit 1,000 grams of a street value of Ksh.5,000/= in contravention of the said *Act*.

### **Count IV**

9. Conveying suspected stolen property contrary to Section 323 of the *Penal Code*.
10. The particulars are that on the 7<sup>th</sup> day of February 2023 at Londiani township in Londiani Sub County within Kericho County having been detained by corporal Esbone Omari and No. 254484 PC Geoffrey Sibwoga as a result of the exercise of the powers conferred by Section 26 of the *Criminal Procedure Code* had in his possession a furrow valued reasonably suspected to have been stolen.
11. He pleaded guilty to count I and was sentenced to pay a fine of Ksh.10,000/= in default Two (2) years imprisonment.
12. He pleaded not guilty to Count II, III, IV & V and matter set down for hearing. The prosecution failed to avail witnesses. The case was dismissed under Section 210 of *Criminal Procedure Code*.
13. The Sentence Review Report by the Probation officer, Molo dated 16<sup>th</sup> December, 2024 has now confirmed the Applicant has fully served his sentence in regard to Count I.
14. In the circumstances the application has been overtaken by events and file marked as closed.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 30<sup>TH</sup> DAY OF JANUARY, 2025.**

**PATRICIA GICHOHI**

**JUDGE**

In the presence of:

Ms Emma Okok for Respondent

Ruto - Court Assistant

