



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Mwangi v Republic (Criminal Revision E544 of 2024)  
[2025] KEHC 617 (KLR) (30 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 617 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E544 OF 2024  
PN GICHOHI, J  
JANUARY 30, 2025**

**BETWEEN**

**ESTHER WANGECI MWANGI ..... APPLICANT**

**AND**

**REPUBLIC ..... PROSECUTION**

**RULING**

1. This file has been brought up for Revision in order to decongest the Nakuru GK prison.
2. The Applicant (Esther Wangeci Mwangi) was charged in Nakuru MCCR E1517 of 2024 with the offence of;  
Count I  
Burglary contrary to Section 304 (2) and Stealing contrary to Section 279 (b) of the *Penal Code*.
3. The particulars are that on the 26<sup>th</sup> Day of June, 2024 at night hrs in Mwangaza Estate in Gilgil Sub-County within Nakuru County jointly with others not before court broke and entered the dwelling house of Grace Wanjiku Gicharu with intent to steal there in and did stole from there a Television set make Sayona 32”, one sub woofer make WK, one fridge make Samsung, 13 pairs of ladies shoes, one clear plastic bucket full of maize flour and one glass bowl, one mattress 5x6 maroon in colour, two duvets, one electric iron box make phillips, set of six stainless sufurias, one floor carpet, one pack of coffee sachet and assorted food stuffs all valued at Ksh.163,699/= the properties of the said Grace Wanjiku Gicharu.  
Count II  
Having suspected stolen property contrary to Section 323 of the *Penal Code*.
4. The particulars are that on the 3<sup>rd</sup> Day of July, 2024 at IDP camp in Gilgil Sub-County within Nakuru County, having detained by No. 68623 PC James Mwathi as a result of exercise of the powers



conferred by Section 26 of the *Criminal Procedure Code* and in possession of One Sub-woofer make JTC, one receipt machine (mobile), one fitness spring machine, pair of remote batteries, Television connecting cables and one Television set make Glace, reasonably suspected to have been stolen or unlawful obtained.

5. In the Alternative charge, handling stolen goods, contrary to Section 322 (1) (2) of the *Penal Code*.
6. The particulars are that on the 3<sup>rd</sup> Day of July, 2024 at IDP camp in Gilgil Sub-County within Nakuru County, otherwise than in the cause of stealing dishonestly received or retained 3 pairs of shoes, one clear plastic bucket with maize flour and a glass bowl and one pack of coffee sachet's knowing or having reasons to believe them to be stolen goods.
7. He pleaded guilty and was sentenced to serve two (2) years imprisonment.
8. The Sentence Review Report by the Probation officer dated 28/11/2024 has now confirmed that the Applicant is willing to serve under probation order for the remainder of her sentence.
9. In the circumstances the applicant to serve under probation order for the remainder of her sentence.

**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

