



REPUBLIC OF KENYA



**KENYA LAW**  
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**Masika v Republic (Criminal Revision E295 of 2024)  
[2025] KEHC 563 (KLR) (30 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 563 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CRIMINAL REVISION E295 OF 2024  
PN GICHOHI, J  
JANUARY 30, 2025**

**BETWEEN**

**PATRICK MALUNGU MASIKA ..... 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 (Patrick Malungu Masika) was charged in Molo MCCR E863 of 2024 with the offence of;  
Count I  
Stealing contrary to Section 268 as read with Section 275 of the *Penal Code*.
3. The particulars are that on the 2<sup>nd</sup> day of April, 2024, at Choronok ECD Pre – Primary School, Mau Summit Location in Kuresoi North Sub County within Nakuru County, stole one mobile phone make Itel A18 valued at Ksh.12,000/= the property of Choronok Pre-Primary School.  
Count II  
Stealing contrary to section 268 as read with Section 275 of the *Penal Code*.
4. The particulars are that on the 2<sup>nd</sup> day of April, 2024, at Choronok ECD Pre – Primary School, Mau Summit Location in Kuresoi North Sub County within Nakuru County, stole one mobile phone make Samsung A10S and 8GB memory card valued at Ksh.23,000/= the property of Alex Kemei.  
Count III  
Stealing contrary to section 268 as read with Section 275 of the *Penal Code*.



5. The particulars are that on the 2<sup>nd</sup> day of April, 2024, at Choronok ECD Pre – Primary School, Mau Summit Location in Kuresoi North Sub County within Nakuru County, stole one mobile phone make Itel 2163 valued at Ksh.2,000/= the property of Faith Chemutai.
6. In the alternative charge Handling stolen goods contrary to section 322(1)(2) of the *Penal Code*.
7. The particulars are that on the 2<sup>nd</sup> day of April, 2024, at Bahati Trading Centre, Mau Summit Location in Kuresoi North Sub County within Nakuru County, otherwise than in the course of stealing dishonestly retained one mobile make Samsung A10S and 8GB memory card, knowing or having reasons to believe them to be stolen goods.
8. In the other alternative charge Handling stolen goods contrary to section 322(1)(2) of the *Penal Code*.
9. The particulars are that on the 2<sup>nd</sup> day of April, 2024, at Bahati Trading Centre, Mau Summit Location in Kuresoi North Sub County within Nakuru County, otherwise than in the course of stealing dishonestly retained one mobile make Itel 2163, knowing or having reasons to believe it to be stolen good.
10. He pleaded guilty and was sentenced to pay a fine of Ksh.20,000/= in default six (6) months imprisonment in three counts.
11. The Sentence Review Report by the Probation officer, Molo dated 16<sup>th</sup> December, 2024 found the Applicant suitable for Community Service. It is recommended that he be placed on Community Service Order for the remainder of his sentence.
12. This case is suitable for Revision. The Applicant is now to serve the reminder thereof under Community Service Order at Total Secondary.
13. The terms will be explained to him.

**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

