



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nyakundi v Republic (Revision Case E041 of 2025)  
[2025] KEHC 5100 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5100 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
REVISION CASE E041 OF 2025  
WA OKWANY, J  
APRIL 30, 2025**

**BETWEEN**

**SAMUEL GEKE NYAKUNDI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates' Court at Nyamira, Criminal Case No. E751 of 2024 by Hon. B.A. Jumar, Resident Magistrate on 2nd October 2024)*

**RULING**

1. The Applicant was convicted, on his own plea of guilty, for the offences of threatening to kill contrary to Section 223 (1) of the *Penal Code* and creating disturbance in a manner likely to cause a breach of peace contrary to Section 95(1) (b) of the *Penal Code*. The trial court sentenced him to serve one (1) year imprisonment. The Applicant has served six (6) months of his sentence and is remaining with two (2) months, after remission, to complete the sentence. The Sentence Review Report filed by the Probation Officer, Mr. Nelson Maroa, on 9<sup>th</sup> April 2025 does not recommend a non-custodial sentence. I therefore direct that the Applicant shall continue to serve the remaining part of his sentence in custody.

Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**W.A. OKWANY**

**JUDGE**

