



REPUBLIC OF KENYA



**Nyabuti v Republic (Revision Case E034 of 2025)  
[2025] KEHC 5227 (KLR) (25 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5227 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
REVISION CASE E034 OF 2025  
WA OKWANY, J  
APRIL 25, 2025**

**BETWEEN**

**WYCLIFFE NYANG'AU NYABUTI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates'  
Court at Nyamira, Criminal Case No. E894 of 2024 by Hon.  
B.O. Okong'o, Resident Magistrate on 15th November 2024)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for the offence of Stealing by Servant contrary to Section 281 as read with Section 275 of the *Penal Code*. The trial court sentenced him to pay a fine of Fifteen Thousand Shillings (Kshs 15,000/=) and to compensate the complainant in the sum of Seventeen Thousand and Fifty Shillings (Kshs 17,050/=) or to serve eleven (11) months' imprisonment in default. The Applicant has served five (5) months of his sentence and is remaining with two (2) months, after remission, to complete the sentence. The Sentence Review Report filed on 9<sup>th</sup> April 2025, by the Probation Officer Mr. Nelson Maroa, recommends a non-custodial sentence. I hereby direct that the Applicant shall serve a Community Service Order at Tinga Health Centre for two (2) months under the supervision of the Probation Officer Nyamira and the Hospital's In-Charge.

Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 25<sup>TH</sup> DAY OF APRIL 2025.**

**W.A. OKWANY**

**JUDGE**

