



**Limakok v Republic (Criminal Revision E004 of 2025)  
[2025] KEHC 6789 (KLR) (27 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6789 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KABARNET  
CRIMINAL REVISION E004 OF 2025  
RB NGETICH, J  
MAY 27, 2025**

**BETWEEN**

**LOLIM LIMAKOK ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Lolim Limakok was charged with 5 counts of offences. Count I with the offence of Stealing stock contrary to section 278 of the [Penal Code](#). The particulars of the charge were that the Applicant on the 5<sup>th</sup> day of October, 2021 at unknown time at Tuwo village, Loyamorock Location, Tiaty East Sub- County within Baringo County stole three goats all valued at Kshs 13,000/- the property of Limakok Kipkiruk.
2. Count II was the offence of Assault causing actual bodily harm contrary to section 251 of the [Penal Code](#). The particulars being that the accused on the 5<sup>th</sup> day of October, 2021 at about 1500hours at Tuwo Village, Loyamorock Location, Tiaty East Sub- County within Baringo County assaulted Akiranguria Limakok thereby occasioning him actual bodily harm.
3. Count III was the offence of Threatening to kill contrary to section 223(1) of the [Penal Code](#). The particulars of the charge were that the accused on the 5<sup>th</sup> day of October, 2021 at Tuwo Village, Loyamorock Location, Tiaty East Sub- County within Baringo County without lawful excuse uttered the words the words, “I will kill you” to Akiranguria Limakok which were meant to cause fear to the said Akiranguria Limakok.
4. Count IV was the offence of threatening to kill contrary to section 223(1) of the [Penal Code](#). The particulars of the charge were that the accused on the 5<sup>th</sup> day of October, 2021 at Tuwo Village, Loyamorock Location, Tiaty East Sub- County within Baringo County without lawful excuse uttered



- the words, “I will kill you”, to Limakok Kipkiruk which were meant to cause fear to the said Limakok Kipkiruk.
5. Count V was the offence of Threatening to kill contrary to section 223(1) of the *Penal Code*. The particulars of the charge were that the accused on the 5<sup>th</sup> day of October,2021 at Tuwo Village, Loyamorock Location, Tiaty East Sub- County within Baringo County without lawful excuse uttered the words, “I will kill you”, to Chepochepku Limakok which were meant to cause fear to the said Chepochepku Limakok.
  6. The Applicant denied all the charges and the case proceeded for hearing and by judgment delivered on the 12<sup>th</sup> May,2023, the trial court found the accused guilty in counts I, III, IV and V and convicted him accordingly. He was acquitted of count II under section 215 of the *Penal Code*.
  7. On the 30<sup>th</sup> June,2023 the trial court sentenced the accused as follows:-
    - Count I- Accused was sentenced to serve 7 years imprisonment,
    - Count III- The accused was sentenced to serve 5 years imprisonment,
    - Count IV- The accused was sentenced to serve 5 years imprisonment and,
    - Count V- He was sentenced to serve 5 years imprisonment. The sentences were to run concurrently.
  8. The Applicant has approached this court vide an undated application seeking review of his sentence to allow him to complete his remaining sentence on probation/non-custodial sentence.
  9. In the supporting affidavit, the application avers he is remorseful, first offender, entirely repentant, reformed and rehabilitated person and learned from the incarceration and begs for the leniency from this Honourable court.
  10. The Applicant further avers that the complainant has forgiven him and he already served half of the sentence. He states that he was severely sick to an extent of being admitted for almost 2 weeks and was diagnosed with Anemia.
  11. When the matter came up before court on the 10<sup>th</sup> March,2025, the applicant informed the court that he is remaining with 1 year and 3 months to serve. The court called for a social inquiry report. The report was filed on the 24<sup>th</sup> April,2025.

### **Social Inquiry Report**

12. The Applicant’s brother indicated that applicant’s criminality is as a result of engaging in excessive alcohol consumption and other drugs and desire for quick money. He did not want to comment on the Applicant’s prayer on ground that their father is the final decision maker. Efforts to reach out to the father were futile as he had relocated to another area. The siblings confirmed that as a family, they have not reconciled with the Applicant and he has not talked to them after being sentenced.
13. The Applicant is single with a child who is currently under the custody of the mother. For the period he has been in custody, the Applicant has learnt up to grade four and currently, he is training in masonry grade three but is yet to sit for examination.
14. The circumstances of the offences is that the Applicant was arrested by his brothers after being found in possession of three goats that belonged to their parents. The brother took the Applicant to the police station as it was not his first time to steal their father’s goats. The siblings stated that the Applicant’s



criminality is a result of the need to make quick money so as to finance his alcoholism and other needs but he does not want to be responsible and use legal means to earn a living.

15. The Applicant admits the charge. The victims are the Applicant 's parents and siblings. The applicant's siblings said he has been troublesome and left the issue of review of sentence to their father to decide. Efforts to reach out to the father were futile and the siblings were not willing to assist the Probation Officer reach him.
16. The local administrator indicated that the Applicant is well known to him and his criminality is due to desire for quick money and excessive alcohol consumption. He indicated that he met the applicant's siblings and they are not willing to give out their views but they insisted that their father is the final decision maker. He was not able to reach out to the father on ground he relocated to another area and his mobile phone was offline. He added that the applicant's supervision within the community will be difficult since the Applicant 's family left it to their father to decide and it is not therefore clear if they will support reintegration. He proposed the Applicant to continue serving his custodial sentence.
17. The Probation Officer's view is that in absence of family support, supervision will be difficult and therefore recommend that he is not suitable for community rehabilitation sentence at the moment.
18. On the 28<sup>th</sup> April,2025 the Prosecution Counsel submitted that they oppose the application on ground that the Applicant indicates that he has reconciled with the complainant, however, that is contrary to the Social Inquiry Report. They prayed that the application be rejected in its entirety.

### **Analysis And Determination**

19. The application herein invokes the revisional jurisdiction of this court which gives the court powers, in appropriate cases, to review and vary any orders, decision or sentence passed by the trial court if the court was satisfied that the impugned order, decision or sentence was illegal or was a product of an error or impropriety on the part of the trial court. If the court was so satisfied, the law mandated it to make appropriate orders to correct the impugned order, decision or sentence and align it with the law. The above is the import of Section 362 as read with Section 364 of the *Criminal Procedure Code*.
20. I note that the applicant is remorseful but he has not reconciled with the victims herein who are his family members. The social inquiry report is not favorable to the Applicant. The applicant's siblings say the applicant has not talked to them after being sentenced. The local administration are opposed to non-custodial sentence on ground that the Applicant has been troublesome and without the family support, his supervision will be difficult. I find that the Applicant is not suitable for a non-custodial sentence. The application for review is hereby declined.
21. Final Orders:-  
Application for review of sentence is hereby dismissed.

**RULING DELIVERED, DATED AND SIGNED VIRTUALLY AT KABARNET THIS 27<sup>TH</sup> DAY OF MAY 2025.**

.....  
**RACHEL NGETICH**  
**JUDGE**

In the presence of:

\* Ms. Kosgei for State.



\* Applicant present.

\* Milliongar – Court Assistant.

