



REPUBLIC OF KENYA



**Mbera v Republic (Criminal Revision E237 of 2024)
[2025] KEHC 6965 (KLR) (27 May 2025) (Revision)**

Neutral citation: [2025] KEHC 6965 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
CRIMINAL REVISION E237 OF 2024**

JK SERGON, J

MAY 27, 2025

**ORIGINALLY CRIMINAL CASE NO. E067 OF 2024 AT
KERICHO**

BETWEEN

BRIGHTON MBERA APPLICANT

AND

REPUBLIC RESPONDENT

REVISION

1. The file relating to *Kericho CMCCRC No.E067 of 2024* Republic v Brighton Mbera was placed before this Court for perusal and examination by the Deputy Registrar of this Court pursuant to the provisions of Sections 362 and 364 of the *Criminal Procedure Code*.
2. Under aforesaid provisions, this Court entitled to examine any Criminal Proceedings before any Subordinate Court for purposes of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed and as to the regularity of any proceedings of such Subordinate Court.
3. Upon examination of the record, it is apparent that the applicant herein pleaded guilty to the offence of Stealing Contrary to Section 268 (1) as read with Section 275 of the *Penal Code*. She was consequently convicted and sentenced to serve 2 ½ years imprisonment.
4. Under Section 275 of the *Penal Code*, the offence of stealing attracts a maximum sentence of 3 years. The record shows that the Accused (Applicant) was a first offender.
5. I have already noted that the applicant pleaded guilty thus saving precious judicial time. Had the Trial Court seriously taken into account the fact that the Applicant readily pleaded guilty to the offence and



the fact that he was a first offender, it would have meted out a more lenient sentence than the one it pronounced.

6. In the circumstances, this Court is entitled to interfere with the sentence in exercise of its supervisory power of revision having taken into account the propriety of the sentence pronounced. The appropriate sentence in the circumstances of this case should be one (1) year imprisonment.
7. Consequently, the sentence of 2½ years imposed on the Applicant by the Subordinate Court is hereby set aside and is substituted with a sentence of one (1) year. The new sentence to run from the date of sentence i.e. on 5th March, 2024.
8. It is clear that the Applicant namely: Brighton Mbera has since served the sentence in full. He is hereby set free forthwith unless lawfully held.

DATED, SIGNED AND DELIVERED AT KERICHO THIS 27TH DAY OF MAY 2025

J.K. SERGON

JUDGE

