



REPUBLIC OF KENYA



KENYA LAW
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**Chepyego v Republic (Criminal Revision E240 of 2022)
[2025] KEHC 12389 (KLR) (4 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12389 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E240 OF 2022
RN NYAKUNDI, J
SEPTEMBER 4, 2025**

BETWEEN

ELIAS KIMUTAI CHEPYEGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of stealing in a dwelling house contrary to section 279(b) of the Penal Code. The brief facts are on the month of September 2022 at Kapkei village, Moiben sub county within Uasin Gishu county stole a mobile phone make QQMEE Q614 black in color IMEI numbers 350161315710438/350161315710448 valued approximately Kshs. 1500/= and a duvet valued approximately Kshs. 2,000/= the property of Sarah Jepkosgei Misoi from the dwelling house of the said Sarah Jepkosgei Misoi.
2. He pleaded guilty to the offence convicted and sentenced to 3 years imprisonment.

Decision

3. The applicant is before this court seeking the review of sentence within the spectrum of the law under Article 165 (6)(7), 50 (2) (p) (q) of *the constitution* as read together with section 362 & 364 of the CPC. If one was to borrow the principle from the realm of civil law, the applicant must demonstrate the existence of errors of facts and law apparent on the face of the record, mistake or discovery of new evidence which if availed to the court would change the final verdict on sentence. This is also the position taken in the case of Bernard Gacheru vs. Republic [2002] eKLR.
4. This court must appreciate that one of the most difficult and fundamental problems in sentencing is how a trial court ought to approach the sentencing task in terms of methodology or system of decision making given that judges in the common law jurisdiction traditionally enjoy a wide sentence discretion. The desirability of the applicant inviting this court to review the sentence must be tested within the



parameters of judicial discretion. I am of the considered view that the applicant has not met that criteria to merit review of his sentence. The application is dismissed under section 382 of the CPC.

DATED, SIGNED AND DELIVERED AT ELDORET VIA CTS THIS 4TH DAY OF SEPTEMBER 2025

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R. NYAKUNDI

JUDGE

