



**Kimutai & another v Republic (Criminal Revision E064 of 2025)
[2025] KEHC 12393 (KLR) (4 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12393 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E064 OF 2025
RN NYAKUNDI, J
SEPTEMBER 4, 2025**

BETWEEN

HOSES KIBET KIMUTAI 1ST APPLICANT

STANLEY KIPLAGAT 2ND APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicants Hosea Kibet Kimutai and Stanley Kiplagat were charged with the offence of stealing contrary to Section 268 as read with 275 of the Penal Code.
2. The brief facts of the particulars are that on the 30th day of December 2024 at around 2100hrs at University of Eldoret in Kimumu Location, Moiben Sub Count within Uasin Gishu County, jointly stole 160 pieces of aluminum metal star valued at Ksh 16,000 property of University of Eldoret.
3. On the Alternative Charge: Handling stolen property contrary to Section 332[1] [2] of the Penal Code. The facts are that Stanley Kiplagat on 1st day of January 2025 in Kimumu Location in Moiben Sub Count within Uasin Gishu County otherwise than in the course of stealing dishonestly retained 260 pieces of aluminium metal star valued at Kshs 16000/= having reason to believe it to be stolen property.
4. The Applicants have moved the court for their sentences to be reviewed.

Decision

5. In terms of Article 165 (6) & (7), 50 (2) (p) & (q) of *the Constitution* as purposively read with Section 362 and 364 of the Criminal Procedure Code the Applicants have not met the threshold for this court to exercise revisional jurisdiction. The application is dismissed for want of merit.



DATED, SIGNED AND DELIVERED VIRTUALLY AT ELDORET THIS 4TH DAY OF
SEPTEMBER 2025.

.....

R. NYAKUNDI

JUDGE

