



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Kiprono v Republic (Criminal Revision E253 of 2022)
[2025] KEHC 12390 (KLR) (4 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12390 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CRIMINAL REVISION E253 OF 2022
RN NYAKUNDI, J
SEPTEMBER 4, 2025**

BETWEEN

KELVIN KIPRONO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of stealing motorcycle contrary to section 278 A of the Penal Code. The brief facts are on the 7th day of October 2022 at West Indies Estate in Turbo sub county within Uasin Gishu county stole a motorcycle boxer 150cc registration no. KMGF 341V valued at Kshs. 154,790 the property of watch credit company.
2. He pleaded guilty to the offence convicted and sentenced to 2 years imprisonment. The applicant aggrieved with the decision sought leave of this court to exercise discretion under section 362 & 364 of the CPC to have the sentence varied to a lesser period or non-custodial sentence altogether.

Decision

3. The principle regarding record review is so well-ingrained in our system that there is little in the way of criticism. In most cases, challenges are only indirect as can be noted in the various decisions. For instance, the principle may lead to a risk of injustice arising from a lack of information about what may have actually occurred in a given case; however, that cost is generally considered justified in light of the efficiency and fairness benefits associated with the rule.
4. Given the near universal acceptance of the principle limiting appellate review of the decisions from the subordinate courts, it is perhaps not surprising that the general principles in section 362 of the Criminal Procedure Code are rarely properly articulated. While rules of the court define the scope on review, there is little analysis regarding the rationale as outlined in Article 165 (6) (7) of *the constitution*. However it is not lost that the principle on supervisory jurisdiction of inferior courts and tribunals



has been a part of Kenya legal system for so long that it seems to have been elevated a fundamental constitutional imperative.

5. The term review or revision on the other hand arose at least in part from the courts of equity and emphasized the role of superior courts in ensuring that inferior courts and tribunals reach the correct decision rather than adhering to the rigid principle of mere preservation and record review during the appeal process.
6. At this juncture, I state that I have reviewed the record of the trial court on the impugned sentence and the applicable conditions. I have not been able to ascertain any basis upon which the record could be manipulated as an instrument of transformation to grant the remedy sought by the applicant. The application is therefore dismissed pursuant to section 382 of the Criminal Procedure Code.

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

.....

R. NYAKUNDI

JUDGE

