



REPUBLIC OF KENYA



**KENYA LAW**  
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**Khamasi v Republic (Criminal Revision E049 of 2025)  
[2025] KEHC 12359 (KLR) (3 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12359 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E049 OF 2025  
RN NYAKUNDI, J  
SEPTEMBER 3, 2025**

**BETWEEN**

**JACOB KHAMASI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant Jacob Khamasi was charged with the offence of tampering with telecommunication plant contrary to Section 32(c) of the Kenya Information and Communication Act Chapter 411 Laws of Kenya.
2. The brief facts of the particulars are that on the 21<sup>st</sup> July 2024 at about 3.00 a.m at West Indies area Turbo Sub-County within Uasin Gishu County, jointly with another not before Court intentionally and unlawfully vandalized and removed Safaricom Fiber Cable measuring 12 metres at Eldoret Central site valued at Ksh 12,852/= the property of Safaricom (K) Limited.
3. The Applicant pleaded guilty to the offence followed with a conviction and sentence of a fine of Ksh 60,000/= in default one (1) year imprisonment.

**Decision**

4. This application is to be considered bearing in mind Article 165 (6) (7) of *the Constitution*, Section 362 and 364 of Criminal Procedure Code and the principles in the following authorities, Mokela v The State (135/11) [2011] ZASCA 166 and Ogolla s/o Owuor v Republic, [154] EACA 270.
5. Discretion remains at the heart of the Kenya Sentencing system applying the various legal tools to arrive at a fair a proportionate sentence. The trial Court also benefits from the use of guideline judgments from the appellate courts. In the case at hand, there is no evidence of error of facts, mistake or error of



law to warrant this court to review the sentence imposed by the trial Court. The application is dismissed for want of merit under Section 382 of the Criminal Procedure Code.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT ELDORET THIS 3<sup>RD</sup> DAY OF SEPTEMBER 2025.**

.....

**R. NYAKUNDI**

**JUDGE**

