



REPUBLIC OF KENYA



**Maina v Republic (Revision Case E071 of 2024)
[2024] KEHC 2905 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 2905 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E071 OF 2024
HM NYAGA, J
MARCH 20, 2024**

BETWEEN

JOSEPH MAINA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file has been brought up for revision in order to decongest the Nakuru GK Prison.
2. The Applicant was charged with the offence of:

House breaking Contrary to Section 304 (1) (a) and stealing Contrary to Section 279(b) of the *Penal Code*.

The particulars are that;

On 21st day of July 2023 at Rigogo in Nakuru North sub county within Nakuru County, broke and entered into a house of Rachael Wachuka Muhia with intent to steal and did steal from therein 60kgs of bean valued at Kshs. 6,000/= radio valued at Kshs. 1,300/= and one cash Kshs. 7,000/= all valued at Kshs. 14,300/= the properties of the said Rachael Wachuka Muhia.

3. He pleaded guilty and he was sentenced to serve six (6) months imprisonment.
4. The Applicant has served a substantial part of this sentence.
5. The Sentence Review Report by the Probation Officer, Nakuru County found the Applicant suitable for Community Service. It is recommended that he performs the same at Dundori Police Station.



6. I find this case fit for Revision and order that the sentence of the trial court be revised. The Applicant is now to serve the remainder thereof under Community Service at Dundori Police Station for one (1) month.

7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 20TH DAY OF MARCH, 2024.

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H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

N/A for state

