



**Mwea v Republic (Revision Case E086 of 2024)  
[2024] KEHC 3009 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3009 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
REVISION CASE E086 OF 2024  
HM NYAGA, J  
MARCH 20, 2024**

**BETWEEN**

**MICHAEL MWEA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The accused was charged with the offence of; Stealing contrary to Section 275 of the [Penal Code](#).
2. The Pre-sentence Report filed herein is to the effect that the applicant is not suitable for a non-custodial sentence. This is in total contrast to the report that had been filed during the trial dated 24<sup>th</sup> October, 2023 and which recommended a non-custodial sentence in the form of Community Service Order.
3. I have looked at the facts as set out in the trial court’s record. The complainant is the mother to the applicant. The value of the stolen goods was just Kshs 2,000/=
4. I am of the view that the time spent in custody has been sufficient to remind the applicant of the need to be a Law abiding citizen.
5. Therefore, I hereby revise the sentence imposed by the trial court and sentence the accused to the time served in custody.
6. He is to be set at liberty unless otherwise lawfully held.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 20<sup>TH</sup> DAY OF MARCH, 2024.**

**H. M. NYAGA**

**JUDGE**

In the presence of;



C/A Oleperon

N/A for state

