



REPUBLIC OF KENYA



**Rotich alias Gedion v Republic (Revision Case E104 of 2024)
[2024] KEHC 3571 (KLR) (20 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3571 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E104 OF 2024
HM NYAGA, J
MARCH 20, 2024**

BETWEEN

VICTOR KIPRONO ROTICH ALIAS GEDION 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:

Count I

Breaking into a building and committing a felony contrary to Section 306(a) of the *Penal Code*.

The particulars are that;

On the nights of 13th and 14th days of November 2023 at Kamara Trading Centre, Kamara Location, in Kuresoi North Sub County within Nakuru County, you broke and entered a shop of Mercy Koech Chelangat and committed therein a felony namely theft.

Count II

Stealing Contrary to Section 275 of the *Penal Code*.



The particulars are that;

On the nights of 13th and 14th days of November 2023, at Kamara Trading Centre, Kamara Location, in Kuresoi kilograms of sugar, eleven bars of classic soap, six packets of Umoja baking flour each 2kgs, seven packets of cosmo maize flour each 2kgs, ten packets of 250 gms of tea leaves, twenty packets of 100gms of tea leaves, six kilograms of cooking fat, twenty pieces of 90gms Arimis milking jelly, six pieces of 250 gms Arimis milking jelly and a memory card, all valued at Kshs. 12,960/= the property of Mercy Koech Chelangat.

Alternative Charge

Handling stolen goods, Contrary to Section 322(1) (2) of the [Penal Code](#).

The particulars are that;

On the 15th day of November 2023, at Kamara Trading Centre, Kamara Location, in Kuresoi North Sub County within Nakuru County, otherwise than in the course of stealing, dishonestly retained three packets of cosmo maize flour each 2kgs, one packet of umoja baking flour each 2kgs, 6 bars of classic soap, eight pieces of cooking fat each ½ kg, ten pieces of Arimis milking jelly each 90gms, one packet of Kuresoi legend tea leaves of 250 gms one packet of Mbgo tea leaves of 100gms, one kg of sugar and six pieces of omo packets each 20gms knowing or having reasons to believe them to be stolen goods.

3. He pleaded guilty and he was sentenced to

Count I: pay a fine of Kshs. 50,000/= in default six (6) months imprisonment

Count II: pay a fine of Kshs. 30,000/= in default three (3) months imprisonment

The sentence run concurrently.

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 Kamara Primary School.

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 Kamara Primary School for three (3) months.

7. The terms will be explained to him.

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

H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

N/A for state

