



Kewon v Republic (Miscellaneous Criminal Application E014 of 2024) [2024] KEHC 4192 (KLR) (30 April 2024) (Ruling)

Neutral citation: [2024] KEHC 4192 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
MISCELLANEOUS CRIMINAL APPLICATION E014 OF 2024**

RB NGETICH, J

APRIL 30, 2024

BETWEEN

MELVIN JEPKOECH KEWON APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The accused was charged with the offence of grievous harm contrary to section 234 of the *Penal code*. The particulars of the offence are that on the 15th day of August 2022 at about 2000hrs at Rabai village Yatoi Sub-Location Marigat Location in Baringo County, unlawfully did grievous harm to Pauline Kimoi Chebii.
2. Upon charges being read over and explained to the applicant, she pleaded guilty and after mitigation she was sentenced to serve 3 years imprisonment. She applied for review of the remaining period of sentence. This court called for social inquiry report which was filed on 18th April 2024. From the social inquiry report, the applicant is now remaining with 4 months to complete sentence. She now seeks to serve non-custodial sentence for the remaining period of sentence.
3. The sentiments given by the victim, community and local administration are positive. They are all not opposed to the applicant serving the remaining period of sentence while in the community.
4. In view of the above, I am inclined to revise applicants' sentence and allow her to serve the remaining period of sentence under Community Service Order (CSO) to work at Chief's office Yatoi Sub-Location.

Final Orders: -

5.



1. Application for review of sentence imposed by the trial court is hereby allowed
2. For the remaining period of sentence, the applicant will serve under community service order (CSO) at Chief's office Yatoi Sub-Location

RULING DELIVERED, DATED AND SIGNED IN VIRTUALLY AT KABARNET THIS 30TH DAY OF APRIL 2024.

RACHEL NGETICH

JUDGE

In the presence of:

CA Evis/Momanyi.

Ms. Ratemo for state.

Applicant present in person.

