



**Gallo v Republic (Criminal Revision 117 of 2024)
[2024] KEHC 3942 (KLR) (24 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3942 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 117 OF 2024**

DR KAVEDZA, J

APRIL 24, 2024

BETWEEN

WYCLIFF ATONYA GALLO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This file was brought before me for the decongestion exercise pursuant to the Chief Justice’s memo dated 7/12/2022, which provides that inmates who are serving three years imprisonment or less may be considered for non-custodial sentences.
2. I have gone through the file and noted that the applicant herein was convicted on his own plea of guilty for the offence of stealing contrary to section 268 as read with section 275 of the *Penal code*. He was sentenced on 3/1/2024 to serve nine (9) months imprisonment.
3. Prior to sentencing, the trial magistrate considered that the applicant was a first offender. She also considered the pre-sentence report dated 2/1/2024, which found the applicant to be unsuitable for a non-custodial sentence.
4. I have thoroughly gone through the said pre-sentence report and found that the trial magistrate correctly arrived at the conclusion that the applicant is not suitable for a non-custodial sentence. I shall therefore not interfere with the sentence of the trial court.
5. The upshot is that the applicant is not eligible for a non-custodial sentence.
6. File closed.

Orders accordingly.

RULING DELIVERED THIS DAY 24TH DAY OF APRIL 2024.



D. KAVEDZA
JUDGE

