



REPUBLIC OF KENYA



**Kipkemoi v Republic (Revision Case E153 of 2024)
[2024] KEHC 3920 (KLR) (23 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3920 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E153 OF 2024
HM NYAGA, J
APRIL 23, 2024**

BETWEEN

SHADRACK KIPKEMOI 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:

Store breaking Contrary to Section 306(a) as read with Section 279 of the *Penal Code*.

The particulars are that;

On the 24th day of December 2023 at Kiploky in Londiani Sub County within Kericho County jointly broke and entered the store of Nicholas Cheruiyot and stole 1 90kg sack of dry maize valued at Kshs 3,500/=.

3. He pleaded guilty and he was sentenced to;
Pay a fine of Kshs 30,000/= in default 12 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 Kapsimotwo 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 Kapsimotwo Primary School for six (6) months.
7. The terms will be explained to him.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 23RD DAY OF APRIL, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Kipsugut

N/A for state

