



**Ouma v Republic (Criminal Revision E125 of 2024)
[2024] KEHC 10455 (KLR) (27 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10455 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E125 OF 2024
MS SHARIFF, J
AUGUST 27, 2024**

BETWEEN

BENARD OCHIENG OUMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant has moved this court for review of his sentence on grounds that whereas he was convicted of two counts of conspiracy to defraud contrary to Section 317 of the Penal Code and for stealing by servant contrary to Section 281 of the Penal Code, and sentenced to serve 3 years on both counts which sentence was to run consecutively, the said sentence is harsh and adverse to his own personal circumstances given that he is a university student, a father of two and the sole breadwinner of his family.
2. I have considered the application and the supporting affidavit and I do find that there exist no grounds to merit a review of his sentence that was lawfully passed by a competent court.
3. The fact that the Applicant had gotten admission letter to join Maseno University does not grant him immunity from prosecution and sentence. No one invited him to commit crimes wherefore he cannot arrogantly move this court on grounds that his incarceration is adverse to his wellbeing. He should have foreseen that his criminal acts will attract penal consequences.
4. On the balance this application has no feet to stand on and I disallow it for want of merit.
5. This file is marked as closed.

DELIVERED, SIGNED AND DATED AT KISUMU THIS 27TH DAY OF AUGUST, 2024.

M. S. SHARIFF

JUDGE

