



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Omollo v Republic (Criminal Application E098 of 2024)
[2024] KEHC 10194 (KLR) (15 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10194 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPLICATION E098 OF 2024
RE ABURILI, J
AUGUST 15, 2024**

BETWEEN

WALTER OWINYO OMOLLO APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Winam SPM Cr Case No.389 of 2017,
Kisumu HC Misc Cr Appl E014 of 2023 and Kisumu HC Misc Cr. Appl No. E086 of 2023)*

RULING

1. The applicant is a convict of several offences ranging from obtaining money by false pretenses under section 313 of the Penal Code, forgery of title to land, personation and making false documents. He was sentenced to serve ten years and six months in prison. He appealed vide HCRA 46 of 2018 which appeal was dismissed. he has filed two applications for sentence review which have been denied.
2. I have considered the application for sentence review and the seriousness of the offence where the convict defrauded the complainant millions of shillings that were never recovered.
3. I decline to exercise any discretion to grant the convict/ applicant non-custodial sentence as he has never offered to refund the complainant such huge sums of money noting that even after he was released on bond, he absconded as a result of which bond was cancelled. The fact that he has served 2/3/ of the sentence does not guarantee him orders of this court as he can apply for remission from prison authorities and if they find him suitable, he will benefit from that discretion.
4. People work so hard to earn genuine money while others like the convict herein steal it easily through fraudulent means and that money is never traced. That is unacceptable.
5. The application dated 3/4/2024 is found to be devoid of any merit. It is hereby dismissed.
6. Signal to issue.



7. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 15TH DAY OF AUGUST, 2024

R.E. ABURILI

JUDGE

