



**Awino v Republic (Criminal Application E110 of 2024)  
[2024] KEHC 10040 (KLR) (12 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 10040 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL APPLICATION E110 OF 2024  
RE ABURILI, J  
AUGUST 12, 2024**

**BETWEEN**

**EVANS ODHIAMBO AWINO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Nyando SPM Criminal  
Case No. E474 of 2024 by Hon J.Wekesa, SPM on 11/7/2024)*

**RULING**

1. The applicant was convicted on his own plea of guilty for the offence of breaking into a building and committing a felony. After mitigations and consideration of a presentence report filed by the probation officer, the Court sentenced him to serve four years imprisonment. He now applies for review of the said sentence on account that he has learnt his lessons and reformed. The property stolen was a gambling machine which he had betted on, lost all his money then he stole it and remove all the money that was inside.
2. The probation officer’s pre-sentencing report shows that the convict was addicted to gambling and perhaps this was his turning point since his family reported that he was a menace and that he even risks being lynched by the community because of his criminal tendencies of stealing people’s properties. He even dropped out of secondary school because of truancy. In the premises, only prison can rehabilitate and make the convict reform.
3. I find the application for sentence review not merited. It is hereby dismissed.
4. Signal to issue.
5. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 12<sup>TH</sup> DAY OF AUGUST, 2024**



**R. E. ABURILI**  
**JUDGE**

