



REPUBLIC OF KENYA



KENYA LAW
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**Awino v Republic (Criminal Application E110 of 2024)
[2024] KEHC 9956 (KLR) (12 August 2024) (Ruling)**

Neutral citation: [2024] KEHC 9956 (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. E531 of 2023 by Hon L.Kiniale, SPM on 25/10/2023)*

RULING

1. The applicant is a convict in Nyando SPM Cr Case No 531 of 2023. He was sentenced to serve two years imprisonment
2. On his own plea of guilty for the offence of stealing contrary to section 268 of the [Penal Code](#). However, as at the time of such conviction, he had another pending case before Winam Law Courts.
3. He now applies to this court to consider reviewing his sentence and imposing community service orders in the spirit of prison decongestion.
4. As the convict has another criminal case pending before a different court which he has not disclosed in his application and the stolen items were never recovered, I find no reason to order for community service orders.
5. The application is declined and dismissed.
6. Signal to issue.
7. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF AUGUST, 2024



R. E. ABURILI
JUDGE

