



REPUBLIC OF KENYA



**Onyango v Republic (Revision Case 131 of 2022)
[2023] KEHC 2560 (KLR) (28 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2560 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE 131 OF 2022
HM NYAGA, J
MARCH 28, 2023**

BETWEEN

CLINTON OMONDI ONYANGO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant, Clinton Omondi Onyango was convicted on his own plea of guilty for the offence of Burglary contrary to Section 304(2) and Stealing Contrary to Section 279(b) of the *Penal Code* and sentenced to serve three (3) years imprisonment on April 5, 2022. The total value of the stolen property being 32-inch Television, two plastic chairs, Plastic table, one woofer, two curtains and Plastic Carpet is Kshs. 29,900/=.
2. The Sentence Review Report filed on January 31, 2023, is not in favour of the Applicant being released on a non-custodial sentence for reasons that his community and the Local administration is opposed to the same due to Applicant's previous criminal behaviour and a possibility of rejoining his other siblings to continue with the criminal acts in the area. Further, the information from Nyumba Kumi is that the Applicant if released now might be at risk of being harmed.
3. In view of the negative recommendation by the Probation Officer for non-custodial sentence, this court finds that the Applicant is not deserving of an order under the Community Service Order Act or any other non-custodial sentence. He should therefore complete the remainder of his sentence in prison.
4. File Closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 28TH MARCH, 2023.

H.M. NYAGA



JUDGE

In the presence of:

C/A Jeniffer

Ms Murunga for state

Applicant absent

