



**Omollo v Republic (Miscellaneous Criminal Application
E079 of 2022) [2023] KEHC 2990 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2990 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E079 OF 2022**

**RE ABURILI, J
MARCH 27, 2023**

BETWEEN

WALTER AWINO OMOLLO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant Walter Awino Omollo was convicted and sentenced to serve ten (10) years imprisonment for the offence of obtaining by false pretence contrary to section 303 of the [Penal Code](#), conspiring to defraud, impersonation and making a false document, vide Kisumu Chief Magistrate Criminal Case No 389 of 2017.
2. He prays that the court takes into account the period spent in custody in the sentence imposed.
3. He has filed a letter of recommendation dated July 5, 2022 showing that he has reformed and trained as a carpenter and is well behaved. He has also annexed certificates in biblical studies and carpentry and Joinery Grade III trade test obtained in December 2019.
4. He submits that he is of old age, sickly and he lost his wife and child and has been in prison since 2017. That he was a first offender.
5. However, no proceedings were filed to show whether he was on bond or not as the remainder of the prison term is more than three (3) years. The lower court file availed is Criminal No 387 of 2017 for Meshack Aguda Opiyo and not the applicant's. he does not state his age and neither as he filed any medical documents to show that he is of poor health.
6. The applicant to reapply upon serving at least seven (7) years of the ten (10) years imprisonment and file into court proceedings from the lower court. The court shall consider his application in line with prison decongestion programme.



7. The application is declined and dismissed.

8. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF MARCH, 2023

R E ABURILI

JUDGE

