



REPUBLIC OF KENYA



KENYA LAW
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**Hamisi v Republic (Criminal Revision E033 of 2023)
[2023] KEHC 19826 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19826 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E033 OF 2023**

**WA OKWANY, J
JUNE 29, 2023**

BETWEEN

DANIEL OKIBORI HAMISI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief
Magistrates' Court at Nyamira, Criminal Case No. E1044 of 2022
by Hon. B. Okong'o. Resident Magistrate on 22nd March 2023)*

RULING

1. The Applicant was charged with the offence of stealing contrary to section 268 as read with section 275 of the *Penal Code*. He was convicted by the trial court and fined Kshs. 6,000/= and ordered to compensate the complainant in the sum of Kshs. 4,000/= or in default, to serve 6 months' imprisonment. The Applicant has already served 80 days in prison. The Sentence Review Report filed on June 13, 2023 by the Probation Officer Nelson Mandela recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Sotik Highlands Primary School under the supervision of the school Headmaster for the remaining part of the sentence.

Orders accordingly.

DATED and DELIVERED at NYAMIRA on this 29th day of JUNE 2023.

W.A. OKWANY

JUDGE

