



REPUBLIC OF KENYA



KENYA LAW
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**Kibandori v Republic (Criminal Revision E077 of 2023)
[2023] KEHC 19620 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19620 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E077 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

EVANS SIRIBA KIBANDORI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief Magistrates’
Court at Nyamira, Criminal Case No. E369 of 2023 by Hon.
B. Okong’o, Resident Magistrate on 11th April 2023)*

RULING

1. The Applicant was charged and convicted on his own plea of guilty of the offence of obtaining by false pretence contrary to section 313 of the *Penal Code*. The trial court ordered him to compensate the complainant in the sum of Kshs 38,900/= and pay a fine of Kshs 20,000 or in default to serve 2 years imprisonment. The Applicant has already served 61 days in custody. 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 Kiabonyoru Primary School under the supervision of the school Headmaster for the remaining part of the sentence.
2. Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 29TH DAY OF JUNE 2023.

W.A. OKWANY

JUDGE

