



REPUBLIC OF KENYA



KENYA LAW
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**Nyabera v Republic (Criminal Revision E081 of 2023)
[2023] KEHC 19619 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19619 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E081 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

DUKE YUNGO NYABERA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Magistrates' Court at Keroka, Criminal Case No. MCCR E167 of 2023 by Hon. C. Ombija Senior Resident Magistrate on 23rd March 2023)

RULING

1. The Applicant was convicted on his own plea of guilty for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the *Penal Code*. The trial court sentenced him to serve 3 years imprisonment or pay a fine of Kshs 100,000/= . The Applicant has served two and a half months. The report by Jackline C Mwei the Probation Officer dated June 13, 2023 and filed on June 14, 2023 does not recommend a non-custodial sentence. I hereby direct that the Applicant continues to serve the remaining part of his sentence being 1 year and 8 months.

Orders accordingly.

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

W.A. OKWANY

JUDGE

