



REPUBLIC OF KENYA



**KENYA LAW**  
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**Machanda v Republic (Criminal Revision E055 of 2023)  
[2023] KEHC 19798 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19798 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E055 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**ERIC ORINA MACHANDA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Magistrates’  
Court at Keroka, Criminal Case No. MCCR E290 of 2023 by Hon.  
B.M. Kimtai, Senior Principal Magistrate on 15th March 2023)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for the offence of housebreaking contrary to section 304 (1) (a) of the *Penal Code*. The trial court sentenced him to serve 1-year imprisonment. The Applicant has already served 2 months in custody. The Report by Peter Mogusu Ayienda the Probation Officer filed on June 14, 2023 does not recommend a non-custodial sentence because the Applicant lacks a permanent abode and is a street boy whose supervision will be difficult. I hereby direct that the Applicant continues to serve the remaining part of his sentence in custody.
2. Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 29<sup>TH</sup> DAY OF JUNE 2023.**

**W.A. OKWANY**

**JUDGE**

