



**Momanyi v Republic (Criminal Revision E067 of 2023)
[2023] KEHC 19628 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19628 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E067 OF 2023
WA OKWANY, J
JUNE 29, 2023**

BETWEEN

HEZRON CRISANTOS MOMANYI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in Criminal Case No. E1275
of 2023 by Hon. B. Okong'o, Resident Magistrate on 5th December 2023)*

RULING

1. The Applicant was charged and convicted on his own plea of guilty for the offence of shop breaking and stealing contrary to section 306 (1) of the [Penal Code](#) and malicious damage to property contrary to section 339 of the [Penal Code](#). The trial court ordered the Applicant to pay a fine of Kshs 3,000/= and compensate the complainant in the sum of Kshs 2,060/= or in default to serve 2 months imprisonment for the 1st count and a fine of Kshs 10,000/=:, compensation of Kshs 37,400/= to the complainant or in default, to serve 11 months imprisonment. The letter by Kennedy Okemwa the County Probation Director dated June 15, 2023 on Count 2 indicates that the Applicant was released from Kisii GK Prison on May 28, 2023 on Presidential pardon. In the unlikely event that he is still in custody, it is hereby directed that he be released forthwith unless he be held for any other lawful cause. The revision file is hereby closed.

Orders accordingly.

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

W.A. OKWANY

JUDGE

