



REPUBLIC OF KENYA



**KENYA LAW**  
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**Momanyi v Republic (Criminal Revision E083 of 2023)  
[2023] KEHC 19803 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19803 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E083 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**HESBON MOMANYI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Magistrates' Court at Keroka, Criminal Case No. MCCR E260 of 2023 by Hon. B.M. Kimtai, Senior Principal Magistrate on 2nd May 2023)*

**RULING**

1. The Applicant was convicted on his own plea of guilty for two counts of the offence of assault causing actual bodily harm contrary to section 251 of the Penal Code. The trial court sentenced him to serve 1-year imprisonment for each count. The Applicant has served one month in custody. The Report by Jackline C. Mwei the Probation Officer filed on June 14, 2023 does not recommend a non-custodial sentence. Consequently, I hereby direct that the Applicant continues to serve the custodial sentence meted by the trial court.

Orders accordingly.

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

**W.A. OKWANY**

**JUDGE**

