



REPUBLIC OF KENYA



**KENYA LAW**  
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**Omagwa v Republic (Criminal Revision E043 of 2023)  
[2023] KEHC 19821 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19821 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E043 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**PETER OMWANZA OMAGWA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Magistrates' Court at Keroka, Criminal Case No. E162 of 2022 by Hon. C. Ombija, Resident Magistrate on 6<sup>th</sup> April 2023)*

**RULING**

1. The applicant was convicted on his own plea of guilty for the offence of housebreaking contrary to section 304 (1) (b) of the [Penal Code](#) and an alternative charge of handling stolen goods contrary to section 322 (1) (2) of the [Penal Code](#). The trial court sentenced him to serve 6 months imprisonment. The applicant has already served 2 months imprisonment. The Report by Peter Mogusu Ayienda the Probation Officer filed on June 14, 2023 recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Miriri Chief's Office under the supervision of the Chief Mr. Naftali Ongaki.

2 **Orders accordingly.**

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

**W.A. OKWANY**

**JUDGE**

