



**Ondieki v Republic (Criminal Revision 035 of 2023)  
[2023] KEHC 19824 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19824 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION 035 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**BRIAN NYAKEYA JOASH ONDIEKI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates' Court at Nyamira,  
Criminal Case No. E1149 of 2022 by Hon. W. Chepseba, Chief Magistrate on 8th May 2023)*

**RULING**

1. The Applicant was charged with the offence of stealing contrary to section 275 of the [Penal Code](#) and a second count of conveying stolen property contrary to section 323 as read with section 36 of the [Penal Code](#) and section 26 (i) of the [Criminal Procedure Code](#). He was convicted by the trial court on his own plea of guilty and sentenced to serve 2 months imprisonment. The Applicant has already served 34 days in prison. The Sentence Review Report filed on June 13, 2023 by the Probation Officer Nelson Mandela recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Nyambogo Primary School under the supervision of the school Headmaster for the remaining part of the sentence.

Orders accordingly.

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

**W.A. OKWANY**

**JUDGE**

