



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Ondieki v Republic (Criminal Revision E039 of 2023)  
[2023] KEHC 19823 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19823 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E039 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**FAIN SARANGE ONDIEKI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief  
Magistrates' Court at Nyamira, Criminal Case No. E1339 of 2022  
by Hon. B. Okong'o, Resident Magistrate on 24th January 2023)*

**RULING**

1. The Applicant was charged with the offence of stealing contrary to section 278 A of the *Penal Code*. He was convicted on his own plea of guilty and sentence by the trial court to pay a fine of Kshs. 20,000/= and compensate the complainant for the stolen property in the sum of Kshs. 216,376/= or in default, to serve 3 years imprisonment. The Applicant has already served 130 days in prison. The Sentence Review Report filed on 13<sup>th</sup> June 2023 by the Probation Officer Edwin Kimaiyo recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Igenaitembe Primary School under the supervision of the school Headteacher 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**

