



**Ongaga v Republic (Criminal Revision E069 of 2023)  
[2023] KEHC 19807 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19807 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E069 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**ALFRED ONYANCA ONGAGA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates’  
Court at Nyamira, Criminal Case No. E408 of 2023 by Hon.  
C.W. Waswa, Senior Resident Magistrate on 24th April 2023)*

**RULING**

1. The Applicant was charged with two counts of the offence of stealing contrary to section 268 as read with section 275 of the [Penal Code](#) and an alternative charge of handling stolen property contrary to section 322 (1) as read with section 322 (2) of the Penal Code. He was convicted on his own plea of guilty and the trial court ordered him to compensate each complainant in the sum of Kshs. 20,000/= or in default, to serve 1 year imprisonment for each charge. The Applicant has already served 48 days in prison. The Sentence Review Report filed on 13<sup>th</sup> June 2023 by the Probation Officer Dickson Kairu recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Kabatia Primary School under the supervision of the school Headmaster for the remaining part of the sentence.
2. **Orders accordingly.**

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

**W.A. OKWANY**

**JUDGE**

