



REPUBLIC OF KENYA



**KENYA LAW**  
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**Onyancha v Republic (Criminal Revision E019 of 2023)  
[2023] KEHC 19844 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19844 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E019 OF 2023  
WA OKWANY, J  
JUNE 29, 2023**

**BETWEEN**

**ERIC ONYANCHA ..... APPLICANT**

**AND**

**THE REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence of Hon. B. O. Okong'o  
– RM Nyamira dated and delivered on the 3rd day of May 2023  
in the original Nyamira CMC Criminal Case No. E385 of 2023)*

**RULING**

1. The Applicant was convicted on his own plea of guilty of the offence of breaking into a building and committing a felony contrary to section 306 (a) of the *Penal Code*. The particulars of the offence were that on diverse dates between March 6 and 7, 2023, at an unknown time at Ogango sublocation in Manga sub-county within Nyamira County broke and entered a building used as a shop by David Omwenga and therein committed a felony namely stealing a gas cylinder, phone charger, a blow dry machine, paints, 2 radios, screwdriver, solar panel, video camera and some coins all worth Kshs 67,000/=, the property of the said David Omwenga.
2. The trial court sentenced him to pay a fine of Kshs 20,000/- and compensate the complainant a total sum of Kshs 80,000/= or in default, to serve a sentence of 2 (two) years imprisonment from May 3, 2023. Presently, the Applicant has been in prison for about 2 months.
3. The Sentence Review Report filed on June 13, 2023 by the Probation Officer Dickson Kairu recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Ibucha sub-chief office for the remaining part of the sentence meted by the trial court under the supervision of the sub-chief. The Applicant is hereby ordered to also compensate the complainant the amount of Kshs 80,000/= as ordered 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**

