



REPUBLIC OF KENYA



KENYA LAW
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**Onyoni v Republic (Criminal Revision E037 of 2023)
[2023] KEHC 19715 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19715 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E037 OF 2023**

**WA OKWANY, J
JUNE 29, 2023**

BETWEEN

DENNIS OMBATI ONYONI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief Magistrates' Court at Nyamira,
Criminal Case No. E306 of 2022 by Hon. B. Okong'o, Resident Magistrate on 1st March 2023)*

RULING

1. The Applicant was charged with three offences. The first count was shop breaking contrary to section 306 as read with section 279 (b) of the *Penal Code* and convicted by the trial court on his own plea of guilty. In the second count, he was charged with handling stolen property contrary to section 322 (1) as read with section 322 (2) of the Penal Code. The third count was being in possession of government stores contrary to section 324 (3) as read with section 36 of the Penal Code. The trial court convicted him of the three counts and ordered that he pays a fine of Kshs 20,000/= and compensate the complainant for the stolen property in the sum of Kshs 200,000/= or in default, to serve 3 years months imprisonment. The Applicant has already served 3 months in prison. 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 Nyaramba 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 29TH DAY OF JUNE 2023.

W.A. OKWANY

JUDGE

