



REPUBLIC OF KENYA



KENYA LAW
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**Ouru v Republic (Criminal Revision E060 of 2023)
[2023] KEHC 19616 (KLR) (29 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19616 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E060 OF 2023**

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

BETWEEN

JOB OURU APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Chief Magistrates' Court at Nyamira, Criminal Case No. E1362 of 2022 by Hon. B. Okong'o, Resident Magistrate on 31st August 2022)

RULING

1. The Applicant was charged with two counts of assaulting a police officer contrary to section 103 (a) of the *National Police Service Act* 2011, one count of obstructing police contrary to section 254(b) of the Penal Code and one count of wilfully resisting arrest from police officer in due execution of the Police Officers' duties contrary to section 103 (a) of the National Police Services Act No 11A of 2011.
2. He was acquitted of the third count but convicted of the remaining charges. The trial court sentenced him to pay a fine of Kshs 100,000/= or in default to serve 2 years imprisonment for the first count; Kshs 100,000/= or in default to serve 2 years imprisonment for the second count; and Kshs 50,000/= or in default to serve 1 year imprisonment for the fourth count. The sentences were to run concurrently.
3. The Applicant has already served 8 months 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 Orwaki 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 29TH DAY OF JUNE 2023.

W A OKWANY



JUDGE

