



REPUBLIC OF KENYA



**Ochieng v Republic (Revision Case E163 of 2023)
[2023] KEHC 22055 (KLR) (22 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22055 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
REVISION CASE E163 OF 2023
HM NYAGA, J
AUGUST 22, 2023**

BETWEEN

DAVID OPIYO OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter has been brought to me under the Prison Decongestion Exercise been undertaken by this court.
2. The Applicant, David Opiyo Ochieng was convicted for the offence of stealing contrary to section 286 as read with section 275; conspiracy to commit a felony contrary to section 393 of the *penal code*; & identity theft and impersonation contrary to section 29 of the *Computer Misuse and Cybercrimes Act*. On May 16, 2023 he was sentenced to serve 18 months' imprisonment on each count and the sentences to run concurrently.
3. He has so far served about 4 months in prison.
4. According to the Sentence Review Report filed on July 28, 2023, the Probation Officer, Ndiritu Ken, recommends Community Service at Regional Probation Officer for 6 months.
5. The report further states that the inmate is 19 years old and prior to his arrest, was working as a tile apprentice under Geoffrey Otieno who is willing to be part of his rehabilitation and reintegration process.
6. The Applicant admits committing the offence and states that he was deceived by his friend who presented conning people as the best way to earn a living.
7. He vows to keep good company, follow all probation orders and focus on perfecting the art of placing tiles.



8. In light of the above and with the view to decongest the prison, I hereby exercise judicial discretion and order the Convict/Applicant be released from prison forthwith and be placed on Community Service at Regional office for six months. He shall be closely supervised by the Chief, Kaptembwa location who shall ensure the convict religiously performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Nakuru who shall monitor the behaviour of the convict for the remainder of the sentence.
9. The applicant is, as required, made aware that in the event of a breach, the CSO order shall be revoked and he shall be returned to prison to serve the entire prison term imposed and not served.
10. File closed.

DATED, SIGNED & DELIVERED AT NAKURU THIS 22ND AUGUST, 2023.

H.M. NYAGA

JUDGE

In the presence of:

8C/A Jeniffer

Ms Murunga for state

Applicant

