



REPUBLIC OF KENYA



**Agwet v Republic (Criminal Revision E033 of 2022)
[2022] KEHC 12826 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12826 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E033 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

ALFRED ODHIAMBO AGWET APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application seeking sentence review, arising from conviction
and sentence in Bondo PM Magistrates' Court Criminal Case No.
E1731/2021 by Hon. J.P. Nandi, Principal Magistrate on 26/1/2022)*

RULING

1. The convict Alfred Odhiambo Agwet was convicted on his own plea of guilty for the offence of stealing contrary to section 275 of the [Penal Code](#). He was sentenced to serve 12 months imprisonment. He has not appealed.
2. The Presentence report did not recommend him for a non-custodial sentence because he is a habitual offender - thief and has been jailed before. In addition, that he is deceitful and even gave wrong contacts for his family members to be interviewed.
3. In the Sentence Review Report filed on 2/8/2022, the convict was sentenced on 26/1/2022. He has served seven months imprisonment. He is 36 years old and with no wife or children. He stole from his own nephew. He is ready to serve non-custodial sentence and has a fixed abode and his family is ready to help him be reintegrated back into the society.
4. The victims of the offence are ready to forgive the convict for harmony to be maintained in the family. He has received counselling in prison. He is ready to change. CSO is recommended.



5. In the premises, I hereby order that the convict Alfred Odhiambo Agwet shall be released forthwith to serve unpaid community service at Manywanda Police Post under close supervision of the Officer in Charge and the Probation Officer, Bondo, for the remainder of his prison term.
6. File closed.
7. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 8TH DAY OF AUGUST, 2022

R.E. ABURILI

JUDGE

