



REPUBLIC OF KENYA



**Felix Omondi Otieno v Republic (Criminal Revision E026 of 2022)  
[2022] KEHC 12841 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12841 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E026 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**FELIX OMONDI OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The convict is Felix Omondi Otieno. He was convicted and sentenced to serve 2 years imprisonment on 9/11/2021 for the offence of Burglary contrary to Section 305(2) of the *Penal Code*. He was jointly charged with Geoffrey Odhiambo Omondi and both pleaded not guilty but later they pleaded guilty and were convicted on their own Pleas of guilty and sentenced after mitigation and Presentence reports filed in court by Leakey Lugalia on 9/11/2021. His co-convict was sentenced to serve 2 years in probation while the accused herein was given custodial sentence because of his alleged bad character and antecedents and his family's request that he be incarcerated to reform as he was a bad influence.
2. I have considered the Sentence Review Report filed in court on 2/8/2022 by the same Probation Officer, Leakey Lugalia who interviewed the convict who is said to be remorseful and that his parents too, who had issues with him over his criminal tendencies have now agreed to accept him saying his incarceration has reformed him.
3. The convict is said to be well behaved in prison and is now engaged in farm work and gardening. He is 23 years old hence a young adult who needs to be guided and counseled further on the need to be a responsible citizen. He used to be a miner in Ramba and is willing to seek forgiveness from his family for the bad behavior that he exhibited.
4. Having considered all the above and the circumstances of the offence where 2 metallic beds were stolen but recovered, I hereby order that the convict Felix Omondi Otieno who has been in prison since 9/11/2021 shall be released forthwith to serve non-custodial sentence on probation for the remainder



of the his prison term from the date of his release, under close supervision, guiding and counseling of the Probation Officer, Bondo and not to reoffend.

5. I so order.
6. File closed.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 8<sup>TH</sup> DAY OF AUGUST, 2022**

**R.E. ABURILI**

**JUDGE**

