



**Mwalawa v Republic (Criminal Revision E009 of 2022)  
[2022] KEHC 12804 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12804 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E009 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**ALFRED ODEMBA MWALAWA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for revision of sentence, arising from conviction and sentence in Siaya Chief Magistrates' Court in Criminal Case No. E173 of 2020 delivered on 29/7/2021 by Hon. L. Simiyu, Principal Magistrate)*

**RULING**

1. The convict Alfred Odemba Mwalawa was convicted and sentenced to serve three years imprisonment on 22/2/2022 for the offence of grievous harm contrary to section 234 of the [Penal Code](#). This was after a full trial before hon Lester Simiyu, Principal Magistrate.
2. There is no record of any appeal being filed.
3. I have considered the sentence review report filed on 2/8/2022 by Muthoni Ngugi, Probation Officer, Siaya. According to the said report, the convict does not show any remorse to the victim of the crime and claims that the victim was jealous of his financial success. The community considers him a habitual criminal. His wife allegedly deserted him due to violence meted on her. The area chief is said to have influenced the convict's bad behaviour. The victim fears that the convict will revenge if released. The convict's siblings are willing to assist him engage in meaningful work so that he avoids criminal behaviour.
4. The convict is 38 years old and a resident of Awelo which is very close to Siaya law courts. He can benefit from supervision of this court and counseling by the probation officer Siaya.



5. In the premises, I hereby order that the convict Alfred Odemba Mwalawa shall be released from prison to serve non-custodial sentence as follows:
  - a. That he shall perform unpaid community service work at Siaya law courts for a period of twelve (12) months from the date of release, to be supervised by the court administrator.
  - b. That he shall report to the probation officer, Siaya, every Friday for a period of six months from the date of release.
  - c. That he shall not engage with the complainant or move near her for the period that he shall serve the non-custodial sentence.
6. Orders accordingly.
7. File closed.

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

**R.E. ABURILI**

**JUDGE**

