



REPUBLIC OF KENYA



KENYA LAW
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**Ochieng v Republic (Criminal Revision E031 of 2022)
[2022] KEHC 12809 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12809 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E031 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

ERICK OCHIENG APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence review, arising from conviction and sentence at Bondo PM Magistrates' Court in Criminal Case No. E1637/2021 by Hon. S.W. Mathenge, Resident Magistrate delivered on 9/11/2021)

RULING

1. The convict Erick Ochieng was convicted on his own Plea of guilty for the offence of having or conveying suspected stolen property and sentenced to serve three (3) years imprisonment on 25/10/2021. He has served 9 months of the prison term.
2. Although he was also convicted for the offence of failing to register as a Kenyan citizen contrary to section 14(A) of the [Registration of Persons Act](#), Cap 107 of the Laws of Kenya, he was never sentenced on this second Count.
3. From the Sentence Review Report, unlike the Presentence Report, the convict is suitable for probation as he is said to be remorseful and his father, the family and the community is ready to accept him back after a stint in prison. He is also said to have been law abiding save for this case.
4. For the above reasons, I make the following orders:
 - a. The convict Erick Ochieng Otieno shall be released forthwith to serve probation for the remainder of his prison term, to be supervised by the Probation Officer, Bondo and to abide by the probationary conditions without breach or reoffending.



- b. That during the period that he shall be on probation, he shall, upon release from prison pursuant to this order, and within one month, apply for registration as a Kenyan Citizen without fail, and in default, that shall be considered to be breach of the Probation terms.
5. Orders accordingly.
6. File closed.

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

R.E. ABURILI

JUDGE

