



REPUBLIC OF KENYA



**Oguda v Republic (Criminal Revision E032 of 2022)  
[2022] KEHC 12839 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12839 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E032 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**ALPHAYO MAIMA OGUDA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application seeking sentence review, arising from conviction  
and sentence in Bondo PM Magistrates' Court Criminal Case No.  
E1777/2021 by Hon. J.P. Nandi, Principal Magistrate on 8/10/2021)*

**RULING**

1. The convict Alphayo Maima Oguda was convicted on his own Plea of guilty and sentenced to serve one year imprisonment on 8/12/2021 for the offence of assault causing actual bodily harm contrary to section 251 of the [Penal Code](#).
2. The victim is his 89 year old father who is said to be paralyzed as a result of the assault occasioned by the convict.
3. The family members are unwilling to have the convict be released on non-custodial sentence. He is aged 30 years but very violent towards his aged father and family members.
4. Non-custodial sentence is not recommended because the convict is said not have any fixed abode.
5. I however observe that the convict's last day in prison is 8/8/2022 from the Prison's records. He may have served the sentence with remission. I declined Sentence Review and mark the file as closed.
6. Orders accordingly.

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

**R.E. ABURILI**



**JUDGE**

