



**Olaka v Republic (Criminal Revision E025 of 2022)
[2022] KEHC 12842 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12842 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E025 OF 2022
RE ABURILI, J
AUGUST 8, 2022**

BETWEEN

WILLIS OMONDI OLAKA APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application seeking revision of sentence, arising from conviction and sentence in Siaya Chief Magistrates' Court Criminal Case No. E062/2022 by Hon. M.Wambani, Chief Magistrate)

RULING

1. On 3/3/2022 the convict Willis Omondi Alaka was convicted and sentenced on his own plea of guilty for the offence of breaking into shop with intent to commit the felony contrary to section 307 of the Penal Code (Stealing) by entering the shop of Alphine Okoth.
2. He was sentenced to serve six (6) months imprisonment after the trial court received a presentence report on him, showing that he had no fixed abode.
3. However, the presentence report shows that his family is identifiable. He is an orphan whose parents died leaving him as a toddler and he was raised by relatives at Karapul where the offence took place. It is claimed that he was hungry and so he wanted food which prompted him to break into the premises of the complainant.
4. Due to poverty as described in the presentence report, he survives by doing menial jobs for people. Karapul is next to Siaya law courts, and most government offices including the county government and county assembly. This is a 22 year old young man who lacks mentorship and means of supporting himself. He needs assistance to be rehabilitated. He has been in prison for 6 months.
5. I order that the convict Willis Omondi Alaka be released from prison to serve community service at Siaya County Assembly to clean the county assembly public garden for the remainder of the prison



term, under the close supervision of the Court Administrator, Siaya law courts and the office of the clerk of the county assembly and not to reoffend.

6. File closed.
7. Orders accordingly.

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

R.E. ABURILI

JUDGE

