



REPUBLIC OF KENYA



**KENYA LAW**  
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**Opondo v Republic (Criminal Revision E044 of 2022)  
[2022] KEHC 12810 (KLR) (8 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12810 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E044 OF 2022  
RE ABURILI, J  
AUGUST 8, 2022**

**BETWEEN**

**WASHINGTON OCHIENG OPONDO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for sentence review, arising from conviction and sentence on 24/11/2021 at Ukwala PM Magistrates' Court in Criminal Case No. 432 of 2021)*

**RULING**

1. The convict has served 8 months imprisonment of the two years prison term imposed on him on 24/11/2021 for the offence of assault causing bodily harm contrary to section 251 of the [Penal Code](#). The victim of the offence and community are said to be against his release. He prays for non-custodial sentence and willing to seek for forgiveness from the victim widow and his former girlfriend and neighbour. He is single and aged 33 years.
2. The Sentence Review Report states that the life of the convict and security of the victim is not guaranteed. However, there are no aggravating circumstances as the community is expected to be law abiding and to aid in the rehabilitation of the offenders like the convict who shall nonetheless, complete his sentence and return home.
3. The law will take its course against those who threaten lives and limbs of others.
4. The convict too must know that he deserved punishment for his violence. He cannot be expected to be a security risk to the community and get away with it.
5. I hereby order that the convict Washington Ochieng Opondo shall be released from prison forthwith to serve unpaid community service at Kamrembo Siwandhe Primary School under close supervision of the Probation Officer, Ukwala, for a period of nine (9) months from the date of his release.



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**

