



**Owino v Republic (Criminal Case E059 of 2022)  
[2022] KEHC 10962 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10962 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL CASE E059 OF 2022**

**JN KAMAU, J  
AUGUST 2, 2022**

**BETWEEN**

**EZEKIEL ONYANGO OWINO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged with two (2) counts of stealing stock contrary to section 278 of the *Penal Code* cap 63 (Laws of Kenya). He was also charged with the alternative charge of handling stolen property contrary to section 278 of the *Penal Code*. He was sentenced to three (3) years on 15/11/2021. The Applicant had only served about nine (9) months out of his three (3) years sentence. The Report of Fredrick Otieno Probation/Community Service Officer that was filed on 29/7/2022 did not recommend the release of the Applicant on a non-custodial sentence on account of the fact that he was viewed negatively by the community and he had criminal tendencies. The family was apprehensive that his life would be in danger if he was released at this time when there was hostility to him. Accordingly, I hereby decline to review the sentence and direct that the applicant serves the remainder of the sentence in custody. He will be at liberty to apply again at the appropriate time for consideration by the court. Orders accordingly.

**DATED AND DELIVERED AT BUSIA ON THIS 2ND DAY OF AUGUST 2022.**

**J. KAMAU**

**JUDGE**

