



REPUBLIC OF KENYA



KENYA LAW
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**Onyangi v Republic (Criminal Revision E006 of 2022)
[2022] KEHC 11103 (KLR) (3 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11103 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E006 OF 2022**

**JN KAMAU, J
AUGUST 3, 2022**

BETWEEN

BENERD ONCHONGA ONYANGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of burglary contrary to Section 304(2) of the [Penal Code](#) Cap 63(Laws of Kenya) and stealing contrary to section 279(b) of the Penal Code. He was arrested on 28/5/2021 and arraigned in Court on 26/5/2021. He denied the charges and the matter proceeded to trial. He was convicted and sentenced to serve four (4) years imprisonment on 10/8/2021. His early date of release by Prison is 11/4/2024. The Report by Samuel Chuma Probation/Community Service Order that was filed on 1/8/2022 recommends that he serves the remainder of his sentence under Community Service Order. In view of the short period that the Applicant has served in prison, I hereby decline to revise the sentence. He is at liberty to bring a fresh application at the appropriate time for consideration by the court. Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 3RD AUGUST 2022.

J. KAMAU

JUDGE

