



REPUBLIC OF KENYA



KENYA LAW
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**Odinya v Republic (Criminal Revision E073 of 2022)
[2022] KEHC 11036 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11036 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E073 OF 2022
JN KAMAU, J
AUGUST 2, 2022
ORIGINALLY CR CASE NO E2836 OF 2021**

BETWEEN

BRUCE WANJALA ODINYA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of stealing contrary to Section 268 as read with Section 275 of the *Penal Code* Cap 63 (Laws of Kenya). He was also charged with the offence of handling stolen property contrary to Section 322 (2) (1) (sic) of the *Penal Code*. He was arrested on 4/11/2021 and arraigned in Court on 9/11/2021 when he denied the charges. He changed his plea and pleaded guilty to the charges on 15/2/2022. He was convicted and fined ksh.50,000/= on 10/3/2022 and in default to serve one (1) year imprisonment. The early release period by Prison was 10/11/2022. Being in mind the period between the date of his arrest and date of sentencing in line with Section 333 (2) of the *Criminal Procedure Code* Cap 75 (Laws of Kenya) the Applicant ought to have been released from prison on 6/7/2022. The Report by Abdirashid Osman Probation/Community Service Officer that was filed on 29/7/2022 recommended that he serves the remainder of his sentence under Community Service order at Bumala Police Station. Having noted that the Applicant completed his sentence on 6/7/2022, it is hereby directed that to be released from custody forthwith unless he be held for any other lawful cause as he is currently serving an illegal and unlawful sentence that has no basis in law. Orders accordingly.

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

J. KAMAU

JUDGE

