



REPUBLIC OF KENYA



KENYA LAW
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**Oteba v Republic (Criminal Revision E084 of 2022)
[2022] KEHC 11035 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11035 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E084 OF 2022
JN KAMAU, J
AUGUST 2, 2022
ORIGINALLY CR. CASE NO E418 OF 2022**

BETWEEN

GODFREY OTEBA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of burglary contrary to Section 304 (2) and Stealing contrary to Section 279 (b) of the *Penal Code* Cap 63 (Laws of Kenya). He was sentenced to three (3) years after the court noted that he was a gang member who was engaged in crime. The Report by Celestine Orao Probation Officer dated 31/5/2022 does not recommend his release on a non-custodial sentence due to his past criminal activities. He had even been released on probation during the prison decongestion exercise in April 2020 but he never reported to the Probation Office as was directed. Accordingly, I hereby decline to review the sentence and direct that the Applicant serves the remainder of the sentence in custody. Orders accordingly.

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

J. KAMAU

JUDGE

