



**Otwane v Republic (Criminal Revision E061 of 2022)
[2022] KEHC 10709 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10709 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E061 OF 2022**

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

BETWEEN

DICKSON EVANS OTWANE APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged with the offence of Stealing Stock contrary to section 278 of the [Penal Code](#) Cap 63 (Laws of Kenya). He had also been charged with the alternative charge of handling stolen property contrary to section 322 (1) as read with section 322 (2) of the [Penal Code](#). He was sentenced to one (1) year on April 27, 2022. The learned trial magistrate took into account the period the applicant had been in custody while completing his tie in prison. The report by Ezekiel Wesonga Probation/ Community Service Officer did not recommend custodial sentence. The early release date by Prison is December 11, 2022 on account that the applicant is perceived negatively by the community and there was still alot of bitterness. Accordingly, I hereby decline to review the sentence and direct that the applicant serves the remainder of his sentence in custody for his safety. Orders accordingly.

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

KAMAU

JUDGE

