



**Ouma v Republic (Criminal Revision E047 of 2022)
[2022] KEHC 12569 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12569 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E047 OF 2022**

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

BETWEEN

DAGLAS OUMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of handling suspected stolen goods contrary to Section 322 (1) of the *Penal Code* Cap 63 (Laws of Kenya). He was arrested on 21/1/2022 and arraigned in court on 24/1/2022 when he pleaded guilty to the charges. The pre-sentencing Report by Celestine Orao Probation Officer dated 8/2/2022 did not recommend a non-custodial sentence as he had previously been convicted of trafficking narcotics and that the Community was still hostile towards him. The Learned Trial Magistrate sentenced him to two (2) years imprisonment on 8/2/2022. His early date of release as per Prison is 8/6/2023. He has only served six (6) months in jail. The remaining period is eleven (11) months and seven (7) days. The Report by Celestine Orao Probation Officer dated 22/7/2022 does not recommend a custodial sentence on account of unwillingness by the family and Community for him to participate in a non-custodial sentence. Accordingly, in view of the fact that he has only served a short period of his sentence, his family and Community are not positive as the environment is still hostile, and the local administration has highlighted his past criminal past, I am not persuaded that I should review the sentence. Accordingly, I hereby direct that the Applicant continues to serve his sentence in custody. He is at liberty to make a fresh application 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**

