



REPUBLIC OF KENYA



**Oyugi v Republic (Criminal Revision E083 of 2022)
[2022] KEHC 11050 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11050 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E083 OF 2022**

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

BETWEEN

ANTHONY OYUGI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant was charged with the offence of creating disturbance contrary to Section 95 (1) (b) of the *Penal Code* Cap 63 (Laws of Kenya), being in possession of narcotic drugs contrary to Section (1) as read with Section 3 (2) (a) of the *Narcotic Drugs and Psycrotropic Substances Control Act* No. 4 of 1994 and being in possession of Government stores contrary to Section 324 (2) as read with Section 36 of the *Penal Code*. He was arrested on 11/2/2022 and arraigned in Court and he pleaded guilty to all counts. He was sentenced to six (6) months for count I, two (2) years for count II and one (1) year for count III on 2/3/2022. The sentences were to run concurrently. The early release date by Prisons is 2/7/2024. Taking remission of his sentence into account, his sentence ought to end on 2/3/2023. He has only spend six (6) months and twenty one (21) days in Prison. The Report by Celestine Orao Probation Officer dated 25/7/2022 recommends that he serves the remainder of his sentence under community service order at the Assistant Chief's office Bukhalarire sub-location. As the Applicant has only served a very short period of his sentence, I hereby decline to review his sentence and direct that he continues serving 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**

