



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wafula v Republic (Criminal Revision E033 of 2022)  
[2022] KEHC 11214 (KLR) (2 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11214 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E033 OF 2022**

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

**BETWEEN**

**AMOS WAFULA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of assault causing actual bodily harm contrary to Section 251 of the [Penal Code](#) Cap 63 (Laws of Kenya). He was sentenced to serve two (2) years on 14/3/2022, the same date he was arraigned in court. He has only spent four (4) months sixteen (16) days in prison out of the two (2) years. The Report of Egline Sintiyon Probation Officer filed on 29/7/2022 does not recommend his release on a non-custodial sentence as he had spent a significantly short time, a position this court agreed with. Accordingly, I hereby decline to review the sentence and 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 2<sup>ND</sup> DAY OF AUGUST 2022.

J. KAMAU  
JUDGE

