



REPUBLIC OF KENYA



KENYA LAW
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**Mlwoto v Republic (Criminal Revision E062 of 2022)
[2022] KEHC 12352 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12352 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E062 OF 2022
JN KAMAU, J
AUGUST 1, 2022**

BETWEEN

RICHARD AGORO MLWOTO 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 arrested on 18/1/2021 and arraigned in Court on 19/1/2021. On 27/2/2021, he pleaded guilty to the charge and on 8/6/2021, he was sentenced to five (5) years imprisonment. He had since served about one and a half (1 ½) years of his five (5) years imprisonment. The Report of Celestine Orao Probation Officer dated 22/7/2022 does not recommend his release on community service order for the reason that he has violent tendencies. He left jail in 2020 after serving a seven (7) year jail term for the offence of grievous harm. I am not therefore persuaded that I should renew the sentence and reject the application to do so. It is hereby directed that the Applicant continues to serve his sentence in custody. He is at liberty to make fresh application for consideration by the Court. Orders accordingly.

DATED AND DELIVERED AT BUSIA ON THIS 1ST DAY OF AUGUST, 2022.

J. KAMAU

JUDGE

