



**Ochieng v Republic (Criminal Revision E042 of 2022)  
[2022] KEHC 10954 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 10954 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E042 OF 2022  
JN KAMAU, J  
AUGUST 1, 2022  
ORIGINALLY CR CASE NO E2794 OF 2021**

**BETWEEN**

**RODGERS AUKA OCHIENG ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant herein was charged with the offence of burglary contrary to Section 304 (2) and stealing contrary to Section 279 (b) and handling stolen property c/s 311 of the *Penal Code* Cap 63 (Laws of Kenya). He was arrested on October 30, 2021 and arraigned before court on 1/11/2021. He pleaded guilty to the charge. He was sentenced to three (3) years imprisonment on both Counts. The sentences were to run concurrently. According to the Report by Austine Adewa that was filed on 29/7/2022, the Applicant is a habitual criminal and that this was not the first time that he had been arrested for committing a criminal offence. He does not recommend a non-custodial sentence. As the Applicant is a habitual criminal, I hereby decline his application for review of sentence and directs that to complete his sentence in custody. File to be closed forthwith. Orders accordingly.

**DATED AND DELIVERED AT BUSIA ON THIS 1<sup>ST</sup> DAY OF AUGUST 2022.**

**J. KAMAU**

**JUDGE**

