



REPUBLIC OF KENYA



**Opiyo v Republic (Criminal Revision E064 of 2022)  
[2022] KEHC 12381 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12381 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E064 OF 2022  
JN KAMAU, J  
AUGUST 1, 2022  
ORIGINALLY CR. CASE NO E083 OF 2022**

**BETWEEN**

**LAZARUS OPIYO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with Stealing Stock contrary to Section 278 of the *Penal Code* Cap 63 (Laws of Kenya). He pleaded guilty to the offence when the charges were read to him afresh on 15/3/2022 having been first arraigned in court on 24/1/2022 when he denied the charge. He was fined ksh.10,000/= or in default to serve six (6) months imprisonment on 13/4/2022. The Report of Dennis Kiptanui Probation Officer dated 25/7/2022 does not recommend his release to serve the remaining part of the sentence on account of the very short time he has spent in prison.
2. Taking into account the remission, of his sentence, he ought to be completing the same on 13/8/2022. Since the family members are apprehensive of his release as he is said to be cunning, irresponsible, ungrateful and unworthy, the court is still not persuaded not to order his release before completion of the twelve (12) days of the remainder as his sentence for the reason that he has already completed his sentence having been in custody since 24/1/2022. It is hereby directed that the Applicant be and is hereby released from custody forthwith unless he be lawfully held for any other lawful cause.

Orders accordingly.

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

**J. KAMAU**

**JUDGE**

