



REPUBLIC OF KENYA



**Okwayo v Republic (Criminal Revision E076 of 2022)
[2022] KEHC 11211 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11211 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
CRIMINAL REVISION E076 OF 2022
JN KAMAU, J
AUGUST 1, 2022
(ORIGINALLY CR CASE NO E1963 OF 2021)**

BETWEEN

VINCENT OKOTH OKWAYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant and his co-accused were charged with the offence of burglary contrary to Section 304 (2) and Stealing contrary to Section 268 as read with Section 279 (b) of the *Penal Code* Cap 63 (Laws of Kenya). They were also charged with the alternative charge of handling stolen property contrary to Section 322 (1) of the Penal Code. They were arrested on 20/6/2021 and were admitted to bail on 29/6/2021. The Applicant herein was fined ksh.60,000/= or in default to serve eighteen (18) months imprisonment on 2/11/2021. The earliest date of released given by the prisons is 2/11/2022. He has so far spent eight (8) months in prison. He spent five (5) months twelve (12) days in custody before he was convicted and sentenced. The Report by Joyce Achieng Odhiambo Probation/Community Service Officer filed on 29/7/2022 recommends that the Applicant serves Community Service at Airstrip Primary School. According to the Prisons, the Applicant has three (3) months left. However, taking into account the period the Applicant spent in custody in line with Section 332 (2) of the Criminal Procedure Code Cap 75 (Laws of Kenya). He has already completed his sentence. It is hereby directed that the Applicant be and is hereby released from custody forthwith unless he be held for any other lawful case. Orders accordingly.

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

J. KAMAU

JUDGE

