



**Opiyo v Republic (Criminal Revision E034 of 2022)  
[2022] KEHC 12560 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12560 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E034 OF 2022  
JN KAMAU, J  
AUGUST 1, 2022  
(ORIGINALLY CR CASE NO 1786 OF 2021)**

**BETWEEN**

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

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged with the offence of stealing from a locked motor vehicle contrary to section 279 (g) of the *Penal Code* cap 63 (Laws of Kenya). He was arraigned in court on 1/9/2020 where he pleaded guilty. He was sentenced to serve four (4) years imprisonment on 1/9/2020. According to the Prisons, the earliest date of release is 2/5/2023. The report by Fredrick Otieno Probation/Community Service Officer dated filed on 29/7/2022 does not recommend his release on Community Sentence Order as he is a foreigner with no information regarding him. For that reason and the fact that he is yet to serve a substantial part of his sentences I hereby decline his application for review as the sentence. It is hereby directed that he continues serving his sentence in custody until such time an application is made afresh for consideration. It is so ordered.

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

**J. KAMAU  
JUDGE**

