



REPUBLIC OF KENYA



**KENYA LAW**  
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**Otieno v Republic (Criminal Revision E030 of 2022)  
[2022] KEHC 11041 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11041 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E030 OF 2022  
JN KAMAU, J  
AUGUST 1, 2022  
ORIGINALLY CR. CASE NO E016 OF 2022**

**BETWEEN**

**JERALD OWINO OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of Stealing contrary to Section 268 (1) (2) as read with Section 275 of the *Penal Code* Cap 63 (Laws of Kenya).
2. He was arrested on 24/4/2022 and arraigned in Court the following day on 25/4/2022. He was sentenced on 25/4/2022 without the option of a fine. The Report by Abirashid Osman Probation/Community Service Officer filed on 29/7/2022 does not recommend the Applicant for a Community Service Order as he is a repeat offender, a fact that the Trial Court considered at the time of sentencing. As he committed the offence herein barely three (3) months from released in custody. This court hereby declines the Applicant's application for Review as his sentence and directs that he completes his sentence in custody. The 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**

