



**Oshale v Republic (Criminal Revision E041 of 2022)  
[2022] KEHC 12370 (KLR) (1 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12370 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
CRIMINAL REVISION E041 OF 2022  
JN KAMAU, J  
AUGUST 1, 2022  
ORIGINALLY CR CASE NO E2231 OF 2021**

**BETWEEN**

**HARON OSHALE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Applicant was charged with the offence of stealing stock contrary to Section 278 of the [Penal Code](#) Cap 63 (Laws of Kenya). He was also charged with an alternative charge of handling stolen property contrary to Section 322 (1) as read with Section 322 (2) of the Penal Code. He was arraigned in Court on 26/7/2021 when he pleaded guilty to the charge. He was sentenced to serve three (3) years imprisonment. The earliest release date as per the Prisons is 26/7/2022. The Report by Munialo Godwin John Probation/Community Service Officer filed 29/7/2022 recommends that he be considered for community service order at Katakwa's Chief office. In view of the fact that the Applicant has only served a very short period of his sentence, I hereby decline to review the sentence and direct that he continues to serve his sentence in custody. The Applicant to make a fresh application at another appropriate time for consideration by the Court. Orders accordingly.

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

**J. KAMAU**

**JUDGE**

