



REPUBLIC OF KENYA



KENYA LAW
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**Oduor v Republic (Criminal Revision E083 of 2022)
[2022] KEHC 16842 (KLR) (22 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16842 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E083 OF 2022
RE ABURILI, J
DECEMBER 22, 2022**

BETWEEN

DUNCAN OTIENO ODUOR APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Siaya CM's Criminal Case No. E126 of 2022 delivered by Hon. B. Benjamin Limo, Senior Resident Magistrate on 16.5.2022)

RULING

1. The presentence report on the convict Duncan Otieno Oduor as filed on May 13, 2022 describes him as a high risk offender, a flight risk with no fixed abode. He deserted his home and has never met his parents since 2012 hence no one is responsible for his life. His parents are said to reside in Uganda.
2. As non-custodial sentence will not help the convict who is serving 12 months imprisonment for the offence of stealing contrary to section 268 as read with section 275 of the *Penal Code*, I decline to review the sentence imposed on him, since he is almost completing the same.
3. File closed. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA, THIS 22ND DAY OF DECEMBER, 2022

R.E. ABURILI

JUDGE

