



REPUBLIC OF KENYA



KENYA LAW
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**Onyango v Republic (Criminal Revision E067 of 2022)
[2022] KEHC 16731 (KLR) (22 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16731 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E067 OF 2022
RE ABURILI, J
DECEMBER 22, 2022**

BETWEEN

GEORGE OKETCH ONYANGO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Siaya CM's Criminal Case No. 380 of 2020 delivered by Hon. B. Benjamin Limo, Senior Resident Magistrate on 17.10.2022)

RULING

1. On October 17, 2021, the convict herein George Okoth Onyango was sentenced to pay a fine of Kshs 50,000/= in default, to serve 6 months imprisonment for the offence of stealing contrary to section 268 as read with section 275 of the [Penal Code](#).
2. The complainant was the 3rd wife of the convict. She has since died, according to the presentence report.
3. The convict has served 2 months of the 6 months imprisonment. He is married with 2 wives. The 3rd wife is the late complainant. He has 8 children whom he supports, borne of the three wives.
4. I exercise discretion in the spirit of prison decongestion and revise the sentence imposed on the convict George Okoth Onyango and order that unless otherwise lawfully held, George Okoth Onyango shall forthwith be released from prison with a conditional discharge not to commit any offence within one year of the date of this order and in breach thereof, he shall be rearrested and sent to prison to complete the unserved prison term.
5. File closed. I so order.

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

R.E. ABURILI



JUDGE

