



REPUBLIC OF KENYA



**Nyamwalo v Republic (Criminal Revision E131 of 2022)
[2022] KEHC 16740 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16740 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E131 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

JOHN ODHIAMBO NYAMWALO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application seeking sentence review, arising from conviction and sentence in Bondo PM Magistrates' Court Criminal Case No. E710 of 2022 by Hon. S. Mathenge, Senior Resident Magistrate on 15/11/2022)

RULING

1. The convict John Odhiambo Nyamwalo was convicted two counts of the offences of being in possession of alcoholic drinks contrary to section 27 (1) (b) as read with section 27(4) of the [Alcoholic Drinks Control Act](#) and manufacturing changaa. He was sentenced to serve 4 months imprisonment. (consecutive sentences). He has now served only one month of the four months imprisonment. There was no evidence that he was a repeat offender.
2. In the spirit of prison decongestion, I hereby revise the prison term impose don the convict herein John Odhiambo Nyamwalo and order that he shall be released from prison for the remainder of sentence which is hereby suspended for one year and he is warned not to re-offend or commit any other offence within the next one year. In default, he shall be rearrested to serve the unserved sentence.
3. File closed. Orders accordingly.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 20TH DAY OF DECEMBER, 2022

R.E. ABURILI

JUDGE

