



REPUBLIC OF KENYA



**Ofunyo v Republic (Criminal Revision E098 of 2022)
[2022] KEHC 16839 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16839 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E098 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

BOVIN OTIENO OFUNYO APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision in Ukwala PM's Criminal Case No. E121 of 2022 delivered by Hon. C.I. Agutu, Senior Resident Magistrate on 19.10.2022)

RULING

1. On October 19, 2022, the convict Bovin Otieno Ofunyo was sentenced to serve one (1) year imprisonment for the offence of burglary and stealing. This was after he pleaded guilty to charge.
2. The probation officer's presentence report filed in court shows that the offender though a 21 year old, is a habitual offender and that the community around him are baying for his blood to lynch him should he be released. He therefore recommends custodial sentence to help him learn the lessons and be rehabilitated.
3. The offender was remorseful and promised not to reoffend. He however abuses bhang and during this festive season, it will not be possible to supervise him on CSO or probation.
4. I decline to revise his sentence.
5. His case shall be revisited next term with a prison report on his character and conduct.
6. File closed.
7. I so order.

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



R.E. ABURILI
JUDGE

