



**Ongala v Republic (Criminal Revision E108 of 2022)
[2022] KEHC 16745 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16745 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E108 OF 2022
RE ABURILI, J
DECEMBER 20, 2022**

BETWEEN

BRIAN OTIENO ONGALA APPLICANT

AND

REPUBLIC RESPONDENT

*(Being an Application seeking sentence review, arising from conviction
and sentence in Bondo PM Magistrates' Court Criminal Case No.
E035/2022 by Hon. J.P. Nandi, Principal Magistrate on 5/4/2022)*

RULING

1. The convict Brian Otieno Ongala was convicted on his own plea of guilty for the offence of Stealing contrary to Section 268 as read with Section 275 of the *Penal Code* and sentenced to serve two (2) years imprisonment on 22/3/2022. He had served about 4 months in prison when this Court vide CR Revision No. E038 of 2022 revised his sentence to Community service order for 12 months to be served at Utonga Chief's Camp as per the probation officer's sentence review recommendation.
2. This Court ordered as follows in Revision E038 of 2022:

“In the spirit of prison decongestion, I hereby order that the convict Brian Otieno Ongala shall be released from prison forthwith and placed on unpaid community service at Utonga Chief's Camp for 12 months. He shall be closely supervised by the Chief, Utonga location who shall ensure the convict faithfully performs any assigned community service to his satisfaction and weekly reports made to the Probation Officer, Bondo who shall monitor the behaviour of the convict for the next 12 months and in the event of breach, the CSO order shall be recalled and cancelled and the convict returned to prison to serve the entire prison term imposed and not served.”



3. For the above reasons, this file is closed as the sentence review is overtaken by events.
4. File closed.
5. Orders accordingly.

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

R.E. ABURILI

JUDGE

