



REPUBLIC OF KENYA



**Ouma v Republic (Criminal Revision E094 of 2022)  
[2022] KEHC 16793 (KLR) (20 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16793 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT SIAYA  
CRIMINAL REVISION E094 OF 2022  
RE ABURILI, J  
DECEMBER 20, 2022**

**BETWEEN**

**CLINTON ONYANGO OUMA ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(Being an Application for sentence revision in Ukwala PM Criminal Case No. E007 of 2022 delivered by Hon L. Sarapai PM on 14/9/2022)*

**RULING**

1. On September 14, 2022 the convict herein Clinton Onyango Ouma was sentenced to a fine of Kshs 50,000,000 fifty million in default to serve 12 months imprisonment for the offence trafficking in narcotic drugs. The quantity was valued at kshs 12,000. He was riding a motor cycle at the time and the motor cycle which was bought on loan was returned to Watu Credit after a Notice to show cause to forfeit it to the state was conducted. The offender is a first offender as per the presentence report dated August 25, 2022 and that he was remorseful although he maintained his innocence. His is a first offender and the community claim that he was law abiding and relates well. He is aged 27 years. The probation officer recommended anon custodial probation sentence.
2. I have examined the circumstances under which the offence was committed and the presentence report. From the social inquiry, there is no way the convict herein can raise such a fine of 50 million however lawful it is.
3. In the spirit of prison decongestion, I hereby review the sentence imposed on the convict and order that Clinton Onyango Ouma shall be released from prison to serve unpaid Community service at the Chief's Office, Bukhayo West, Mundika Sublocation for a period of six (6) months from the date of release and shall be supervised by the Officer in charge of Administration Police at the said Chief's Office.



4. File closed.

5. I so order.

**DATED, SIGNED AND DELIVERED AT SIAYA, THIS 20<sup>TH</sup> DAY OF DECEMBER, 2022.**

**R.E. ABURILI**

**JUDGE**

