



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CRIMINAL DIVISION**

**CRIMINAL REV. NO. 839 OF 2018**

**GABRIEL OMONDI ODHIAMBO.....APPLICANT**

**VERSUS**

**REPUBLIC.....RESPONDENT**

**RULING**

The Applicant was convicted for the offence of demanding money by menaces contrary to Section 302 of the Penal Code.

Although the offence carries a maximum penalty of ten years, the Applicant was a first offender and is remorseful. He has cumulatively been in custody for one year nine months which is sufficient punishment.

I accordingly set aside the remainder of the sentence and order that the Applicant forthwith set free unless otherwise lawfully held.

**DATED and DELIVERED this 27<sup>th</sup> day of November, 2018**

**G.W. NGENYE-MACHARIA**

**JUDGE**

**In the presence of:**

- 1. Applicant present in person*
- 2. Atina for the Respondent*