



REPUBLIC OF KENYA



**Otieno v Republic (Criminal Revision E001 of 2025)  
[2025] KEHC 1444 (KLR) (17 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1444 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIBERA  
CRIMINAL REVISION E001 OF 2025  
DR KAVEDZA, J  
FEBRUARY 17, 2025**

**BETWEEN**

**LUIS BORURA NYAWIRA OTIENO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The applicant was charged with the offence of burglary contrary to section 304(2) of the [Penal Code](#) and stealing contrary to section 279 of the [Penal Code](#). After a full trial, he was sentenced to four (4) years imprisonment.
2. He has now filed the present notice of motion application before this court seeking a review of the sentence imposed by the trial court. The grounds raised in support of the application are that he is remorseful for the offence, he has rehabilitated and the time spent in custody has been sufficient rehabilitation. He prayed for a non-custodial sentence.
3. I have considered the application, the affidavit in support and the applicable law.
4. From the record, the sentence was imposed by the trial court after considering the applicant's mitigation, the pre-sentence report and the fact that he was a first offender. The sentence imposed was therefore legal.
5. For the foregoing reasons, the application is found to be lacking in merit and is dismissed.  
Orders accordingly.

**RULING DATED AND DELIVERED VIRTUALLY THIS 17<sup>TH</sup> FEBRUARY 2025.**

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**D. KAVEDZA**



**JUDGE**

