



**Ondienga v Republic (Miscellaneous Criminal Case
E026 of 2024) [2025] KEHC 5721 (KLR) (9 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5721 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
MISCELLANEOUS CRIMINAL CASE E026 OF 2024**

CM KARIUKI, J

MAY 9, 2025

BETWEEN

MARK MOTURI ONDIENGA ACCUSED

AND

REPUBLIC PROSECUTOR

RULING

1. The Applicant Mark Moturi Ondienga has filed an application seeking a non-custodial sentence for the remaining imprisonment period of 6 years. He had been charged with offence of dealing in specified endangered wild life without permit u/S 92(2) of [Act No. 47 of 2013](#) Laws of Kenya 2018 and was sentenced to serve six (6) years imprisonment on 10/03/2021. He avers that he has served 2/3 of the sentence and thus seeks to be awarded a non-custodial sentence for the remaining period.
2. However, is there a report to support that application from the probation office? The answer is in the negative. Thus, before the court makes formal verdict on the application, I direct
 - i. That a probation report/social enquiry be filed by the relevant officer within a period of 30 days.
 - ii. Mention on 06/06/2025.
 - iii. Production order to issue the remaining day.

DATED, SIGNED & DELIVERED VIRTUALLY IN KILGORIS HIGH COURT ON 9TH OF MAY 2025.

CHARLES KARIUKI

JUDGE

In the presence of:-



Court Assistant: Mr.nyangaresi

