



**Odongo v Republic (Criminal Revision E066 of 2024)  
[2024] KEHC 3436 (KLR) (11 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3436 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CRIMINAL REVISION E066 OF 2024  
RN NYAKUNDI, J  
APRIL 11, 2024**

**BETWEEN**

**PHILEMON ODONGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

**Representation:**

Mark Mugun for the state

1. The applicant was charged and sentenced on his own plea of guilty to a fine of Kshs. 20,000/= and in default 12 months imprisonment for the offence of stealing contrary to section 268 as read with section 275 of the Penal Code.
2. The applicant has approached this court pursuant to sections 357,362,364& 382 of the Criminal Procedure Code as construed with Article 50(2)(p) &(q) as conjunctively read with Article 50(6)(a) &(b) of the Constitution.
3. The applicant seeks a sentence review based on the Probation sentence report filed on 26<sup>th</sup> March, 2024. The report is positive and recommends him for a community service order at Pioneer health centre.
4. The applicant admits to this offence, he is remorseful and is willing to serve a non-custodial sentence. The prison authorities equally indicated that the applicant has reformed The nucleus of any correctional system is its rehabilitative and reparative functions.
5. In my considered view and taking into consideration the probation report, the period served by the applicant has shaped his character. The remaining period of 2 months can be utilized through a non-custodial sentence. The statement of atonement by the complainant, who is his brother indicates that there must have been a victim-offender mediation. From the foregoing, I believe the applicant is



suitable for a non-custodial sentence. A community service order is therefore efficient for the remaining period. He is directed to serve the same for two months at Pioneer Health center.

**SIGNED, DATE AND DELIVERED AT ELDORET THIS 11<sup>TH</sup> DAY OF APRIL 2024.**

.....

**R. NYAKUNDI**

**JUDGE**

