



**Ondieki & another v Republic (Criminal Revision E074 of 2024)
[2024] KEHC 6511 (KLR) (13 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6511 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E074 OF 2024
WA OKWANY, J
MAY 13, 2024**

BETWEEN

ERICK MONDA ONDIEKI 1ST APPLICANT

EDWIN NYAUMA OSUMO 2ND APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Senior Principal Magistrates' Court at Keroka, Criminal Case No. MCCR E082 of 2024 by Hon. C. Ombija, Senior Resident Magistrate on 29th January 2024)

RULING

1. The Applicants were each convicted on their own pleas of guilty for the offences of burglary contrary to Section 304 (2) and stealing contrary to Section 279 (b) of the [Penal Code](#).
2. The trial court sentenced each of them to pay a fine of Kshs. 20,000/= or serve 6 months' imprisonment. The Applicants have each already served 1 month of their sentences.
3. The Sentence Review Reports filed on 3rd April 2024 by the Probation Officers Mpaera Johnstone and Ngetich Nicholas Kibet in respect of the 1st Applicant and the 2nd Applicant respectively recommend a non-custodial sentence.
4. I hereby direct that the 1st Applicant serves a Community Service Order at Sugututa Sub-location Chief's Office under the supervision of the area Assistant chief Mr, Metobo Tom for the remaining period of his sentence.



5. I also hereby direct that the 2nd Applicant serves a Community Service Order at Ramasha location Chief's Office under the supervision of the chief Mr, Stanley Osumo for the remaining period of his sentence.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 13TH DAY OF MAY 2024.

W. A. OKWANY

JUDGE

