



REPUBLIC OF KENYA



**Onyango v Republic (Criminal Revision E066 of 2024)  
[2024] KEHC 5046 (KLR) (7 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5046 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E066 OF 2024**

**RE ABURILI, J**

**MAY 7, 2024**

**BETWEEN**

**DAVID ONYANGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in the Chief  
Magistrate's Court Criminal Case No. E368 of 2023 at Kisumu)*

**RULING**

1. This Court received a request for Sentence Review as the convict David Onyango had been fined a sum of Kshs.30,000 in default to serve one (1) year imprisonment vide Kisumu Chief Magistrate Criminal Case No. E368 of 2023 on 19<sup>th</sup> October 2023, for the offence of .He never appealed.
2. However, the prisons have written to court vide their letter dated 7<sup>th</sup> May 2024 indicating that the inmate has since paid a fine of Kshs.13,727 prorated and was released on 3<sup>rd</sup> May 2024 hence he is no longer in their custody at Kisumu Medium Prison. That being the case, the request for review of sentence has been overtaken by events. It is therefore spent and this file is marked as closed.
3. The lower court file Kisumu CMCRC No. 368 of 2023 is hereby ordered to be returned to that Court forthwith with a copy of this Ruling duly typed.
4. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

