



**Mokua & another v Republic (Criminal Revision E041 of 2024)
[2024] KEHC 7415 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7415 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E041 OF 2024**

WA OKWANY, J

JUNE 6, 2024

BETWEEN

MOMANYI ANDREW MOKUA 1ST APPLICANT

STEPHEN NYAKUNDI ONSONGO 2ND APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Senior Principal Magistrates' Court at Keroka, Criminal Case No. MCCR E065 of 2023 by Hon. C. Ombija, Senior Resident Magistrate on 7th February 2023)

RULING

1. The 1st Applicant was convicted on his own plea of guilty for the offence of breaking into a building and committing a felony contrary to section 306 (a) of the *Penal Code* and having suspected stolen property contrary to section 323 of the *Penal Code*. The trial court sentenced him to serve three (3) years' imprisonment. The 1st Applicant has served 1 year and 1 month of his sentence. The Sentence Review Report filed on 3rd April 2024 by the Probation Officer Peter Mogusu Ayienda does not recommend a non-custodial sentence. I hereby direct that the 1st Applicant continues to serve the remaining part of his sentence in custody.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 6TH DAY OF JUNE 2024.

W. A. OKWANY

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JUDGE



I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

