



**Oduor v Republic (Criminal Revision E036 of 2024)  
[2024] KEHC 7283 (KLR) (13 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7283 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E036 OF 2024  
RE ABURILI, J  
JUNE 13, 2024**

**BETWEEN**

**NELSON MANDELA ODUOR ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

***(FROM THE ORIGINAL CONVICTION AND SENTENCE IN NYANDO SENIOR  
PRINCIPAL MAGISTRATE’S COURT CRIMINAL CASE NO. E550 OF 2023)***

**RULING**

1. I have considered the request from prison for prison decongestion involving the inmate Nelson Mandela Oduor who was convicted and sentenced to a fine of Kshs. 5,000 in default, to serve six (6) months imprisonment on 18<sup>th</sup> March 2024 for the offence of creating disturbance in a manner likely to cause breach of the peace contrary to Section 95 (1) (b) of the [Penal Code](#).
2. The Probation Officer Ms. Beryl Onzere filed a report on 28<sup>th</sup> March 2024 showing that the inmate is not suitable to serve non-custodial sentence as he had absconded community service orders hence he should serve the remaining sentence. That was on 28<sup>th</sup> March 2024.
3. The inmate was willing to serve community service. He has now close to three months of the six months imprisonment in default of payment of a fine as imposed and he is about to complete that sentence on 18<sup>th</sup> July 2024.
4. I have considered the offence committed which is a misdemeanour and that the convict has served nearly ¾ of the prison term imposed.
5. In the spirit of prison decongestion, I hereby direct that the convict shall be released from prison to serve the remainder of the term on community service at the nearest police station to his home



supervised by the officer in-charge of that nearest police station to be identified by the Probation Officer.

6. Ruling to be typed.

7. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 13<sup>TH</sup> DAY OF JUNE, 2024**

**R. E. ABURILI**

**JUDGE**

