



**Obare v Republic (Criminal Revision E091 of 2021)
[2023] KEHC 56 (KLR) (16 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 56 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E091 OF 2021
RE ABURILI, J
JANUARY 16, 2023**

BETWEEN

GEORGE OTIENO OBARE APPLICANT

AND

REPUBLIC RESPONDENT

(Being an Application for sentence revision from conviction and sentence in Ukwala PM's Criminal Case No. 611 of 2019 by Hon. C.I. Agutu, Senior Resident Magistrate on 27.09.2021)

RULING

1. I have read the letter dated May 30, 2022 but filed in this court on January 16, 2023 on the above subject, but the convict's counsel, Mr Okutta.
2. I note that the court revised the penalty imposed on the convict George Otieno Obare by setting aside the fine of Kshs 100,000/= and substituting it with a fine of Kshs 10,000/=. The convict has paid a fine of Kshs 100,000/= which was illegal. However, no order for refund of the excess fine was made.
3. I hereby order that the convict George Otieno Obare shall be refunded excess fine of Kshs 100,000/= paid into court vide Ukwala PM Cr Case No 611/2019 upon his production of the original court fines receipt and the refund shall be made in the name of the payor/depositor, forthwith.
4. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 16TH DAY OF JANUARY, 2023

R.E. ABURILI

JUDGE

