



**Olima v Republic (Miscellaneous Criminal Application
E014 of 2023) [2023] KEHC 2788 (KLR) (24 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2788 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION E014 OF 2023**

**RE ABURILI, J
MARCH 24, 2023**

BETWEEN

GEORGE OCHIENG OLIMA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant/convict George Ochieng Olima was convicted and sentenced to serve ten (10) years imprisonment for the offence of severing wiring with intent to steal contrary to section 64A of the *Energy Act* No 12 of 2006.
2. This was vide Winam Principal Magistrate Criminal Case Number 330 of 2017. He does not state when he was convicted but he alleges to have been arrested on June 13, 2017.
3. He appealed to the High Court vide HCCRA No 68 of 2018 which was dismissed and now he applies for non custodial sentence on account that he has served ²/₃ of the sentence.
4. It is not for this court to quantify the sentence served but the prison authorities. No prison's authorities letter of recommendation for prison decongestion has been filed. There is nothing to show that the applicant is reformed.
5. I decline the application filed on March 17, 2023 and dismiss it.
6. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 24TH DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

