



**Michael v Republic (Criminal Revision E072 of 2022)
[2023] KEHC 3313 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3313 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E072 OF 2022
RE ABURILI, J
APRIL 13, 2023**

BETWEEN

ERNEST OKOKO MICHAEL APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This matter was initiated on July 8, 2022 for sentence revision arising from conviction and sentence in Maseno Senior Principal Magistrate’s Court Criminal Case No 391 of 2019 *Republic vs Ernest Okoko Michael* who was sentenced to serve five (5) years imprisonment on December 17, 2019 for the offence of House breaking contrary to Section 304 (1) (b) and stealing contrary to Section 279 (b) of the [Penal Code](#).
2. He is to complete sentence on December 16, 2024. However, the file was not acted upon.
3. I have perused the Probation Officer’s Sentence Review Report filed on June 22, 2022 which does not recommend non-custodial sentence for the safety of the Convict as the community was said to be bitter with his behaviour as he is a recidivist who served three (3) years at Shikusa Borstal in 2010 where he trained in electrical wiring and later advanced at Maseno Polytechnic but that despite the fact that he eked a living from electrical and wiring profession, he was a criminal with no fixed abode since no one in his community wanted to accommodate him.
4. That he was a high risk of repeating the offence as the home environment was not conducive for his release.
5. For the above reasons, I find the Convict unsuitable for non-custodial sentence. He shall serve full prison term.
6. The request for sentence revision is declined and dismissed.



7. Order to be extracted.

8. File closed.

Dated, Signed and Delivered at Kisumu this 13th Day of April, 2023

R. E. ABURILI

JUDGE

