



REPUBLIC OF KENYA



KENYA LAW
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**Ongudi v Republic (Criminal Revision E182 of 2022)
[2023] KEHC 3310 (KLR) (14 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3310 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E182 OF 2022**

RE ABURILI, J

APRIL 14, 2023

BETWEEN

SAMMY ONYANGO ONGUDI APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Convict Sammy Onyango Ongudi was sentenced to serve eighteen (18) months imprisonment on September 30, 2022 vide Winam Senior Principal Magistrate's Court Criminal Case No E416 of 2022 for the offence of stealing contrary to Section 268 as read with Section 275 of the *Penal Code* following a plea of guilty.
2. The sentence was imposed after a Presentence Report dated September 30, 2022 filed by Erick Marindi, Probation Officer at Winam showed that he was not suitable for non-custodial sentence as he is a habitual thief and talks back at his mother, such that he cannot be corrected. He has previously been convicted of theft and that he pleaded guilty expecting to be given non-custodial sentence.
3. I have perused the Sentence Review Report filed in this court on February 9, 2023. The Convict is 27 years old. He shows no remorse for his antisocial behaviour. He is not recommended for non-custodial sentence.
4. In the premises, I hereby dismiss the application for Sentence Review and order that the Convict Sammy Onyango Ongudi serves the full prison sentence imposed on him by the trial court to be rehabilitated in prison.
5. File closed.
6. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 14TH DAY OF APRIL, 2023



R E ABURILI
JUDGE

