



REPUBLIC OF KENYA



KENYA LAW
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**Obiero v Republic (Criminal Revision E101 of 2021)
[2023] KEHC 3284 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3284 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E101 OF 2021
RE ABURILI, J
APRIL 13, 2023**

BETWEEN

DOMINIC OWUOR OBIERO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. This Criminal Revision matter was initiated on December 14, 2021 for purposes of Sentence Revision in Nyando Senior Principal Magistrate's Court Criminal Case No 4 of 2020 Republic vs Dominic Owuor Obiero who was fined Kshs 10,000/= in default to serve one (1) year imprisonment for the offence of assault causing actual bodily harm contrary to Section 251 of the *Penal Code*, on October 5, 2021.
2. The file was availed to this court for prison decongestion during Covid 19 period. However, there is no evidence of any action on the file upon its opening.
3. As at now, the Convict could have already served the one (1) year imprisonment. nonetheless, the trial court record shows that on November 9, 2021, the Convict paid a fine of Kshs 9,014/=.
4. For the above reason, I find that the sentence revision has been overtaken by events.
5. Accordingly, this file is hereby marked as closed for archiving. Lower court file to be returned.
6. Order to be extracted.
7. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 13TH DAY OF APRIL, 2023

R. E. ABURILI



JUDGE

