



REPUBLIC OF KENYA



**Ochuka v Republic (Criminal Revision E073 of 2022)
[2023] KEHC 3288 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3288 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E073 OF 2022
RE ABURILI, J
APRIL 13, 2023**

BETWEEN

FIDEL OMONDI OCHUKA APPLICANT

AND

REPUBLIC RESPONDENT

(Arising from Maseno Senior Principal Magistrate's Court Criminal Case No E325 of 2021)

RULING

1. The Convict Fidel Omondi Ochuka was sentenced to serve six (6) years imprisonment on May 9, 2019 vide Maseno Senior Principal Magistrate's Court Criminal Case No E325 of 2021 for the offence of housebreaking and stealing contrary to section 322 (a) (b) and 278 of the [Penal Code](#).
2. He is to complete sentence on May 9, 2023.
3. This revision file was opened on July 8, 2022 for prison decongestion but besides the sentence review report filed on June 22, 2022, no action was taken to review the sentence. The convict is about to complete his sentence.
4. The Sentence Revision Report dated June 22, 2022 did not recommend non-custodial sentence owing to his criminal behaviour as he is said to have a bad reputation in the community where he involves himself in a dangerous gang which terrorises villagers and giving them sleepless nights.
5. That his gang members were executed by the community while others were arrested and that he was likely to be lynched if released due to lack of trust. That chances of him reforming are minimum as he is used to reoffending. He is not married and is 26 years old.
6. As the convict has less than one (1) month to complete the sentence imposed, in the spirit of prison decongestion, I order that the shall be released from prison forthwith unless otherwise lawfully held, and shall upon release be reporting to the nearest police station to his home within Rabuor Sub county



Nyahera Location, Bar A Sub location, Kandalo village, every Friday of the week to be monitored for the remainder of is prison term.

7. This order to be typed/extracted and served on the prison as well as the Probation Officer, Maseno forthwith for enforcement.
8. This file is now closed.
9. Order to be extracted.

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

RE ABURILI

JUDGE

