



REPUBLIC OF KENYA



KENYA LAW
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**Oyuga v Republic (Criminal Revision E067 of 2022)
[2023] KEHC 3421 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3421 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E067 OF 2022
RE ABURILI, J
APRIL 13, 2023**

BETWEEN

MICHAEL OCHIENG OYUGA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant/Convict herein Michael Ochieng Oyuga is serving three (3) years prison term for the offence of stealing contrary to Section 268(1) as read with Section 275 of the *Penal Code* vide Winam Senior Principal Magistrate's Court Criminal Case No 175 of 2022.
2. From the Sentence Review Report filed on June 28, 2022, the Convict is a recidivist and unsuitable for non-custodial sentence as he has served five (5) years prison term before, for a related offence at Maseno Law Courts after violating probationary terms.
3. I find the Convict unsuitable for release on noncustodial terms.
4. The application for revision of sentence is dismissed.
5. Order to be extracted and served via prison authorities. File is closed.

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

R. E. ABURILI

JUDGE

