



**Wasira v Republic (Criminal Revision 63 of 2020)
[2023] KEHC 3315 (KLR) (14 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3315 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION 63 OF 2020
RE ABURILI, J
APRIL 14, 2023**

BETWEEN

DADDY OCHIENG WASIRA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The Applicant/Convict Daddy Ochieng was convicted and sentenced to serve two (2) years imprisonment for the offence of stock theft vide Nyando Senior Principal Magistrate's Court Criminal Case No 1086A of 2016.
2. He applied for sentence revision and wrote an undertaking to refund the complainant the value of her animal which he had disposed of already.
3. The court vide order made on June 12, 2020 accepted the written undertaking and placed him on CSO for eight (8) months at Karombe Primary School to plant and nurture tree seedlings under the supervision of the Chairperson of PTA.
4. The convict successfully completed the CSO but he failed to fulfil the written undertaking hence a warrant of arrest which has remained in force since June 21, 2022.
5. In my view, the complainant can still enforce that undertaking by filing suit before the small claims court.
6. I therefore order that this file be and is hereby closed.

Dated, Signed and Delivered at Kisumu this 14th Day of April, 2023

R E ABURILI

JUDGE

