



REPUBLIC OF KENYA



**Were v Republic (Criminal Revision E011 of 2023)  
[2023] KEHC 3422 (KLR) (14 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3422 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E011 OF 2023  
RE ABURILI, J  
APRIL 14, 2023**

**BETWEEN**

**ERICK ODHIAMBO WERE ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. Erick Odhiambo Were was convicted and sentenced to serve two (2) years imprisonment for the offence of Housebreaking and stealing contrary to Section 304(1) (b) of the *Penal Code*; vide Maseno Senior Principal Magistrate's Court Criminal Case No E087 of 2022 on May 10, 2022 on his own plea of guilty.
2. He applied for Sentence Revision of sentence on December 21, 2022. The original court file is available, but it has not been acted upon (dormant).
3. I have perused the trial court file and Presentence Report filed on April 26, 2022 by the Probation Officer, Ms Ivy Indeché of Maseno.
4. It is indicated that the Convict whose age is twenty nine (29) years has very weak ties with his family and community. He is single with no responsibility except to himself. He abuses drugs, has wrong company and frequently steals from his victim and the convict's father believes that custodial sentence will help reform and rehabilitate his son who is a nuisance in the family and community.
5. I find the request for sentence review not merited. I dismiss the application and order that the Convict Erick Odhiambo Were serves full custodial sentence to be rehabilitated.
6. This file is closed. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 14<sup>TH</sup> DAY OF APRIL, 2023**



**R. E. ABURILI**  
**JUDGE**

