



**Ombati v Republic (Criminal Revision E098 of 2023)  
[2023] KEHC 20309 (KLR) (18 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20309 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
CRIMINAL REVISION E098 OF 2023  
WA OKWANY, J  
JULY 18, 2023**

**BETWEEN**

**VINCENT MIGISI OMBATI ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the Original Conviction and Sentence of Hon. B. M. Kintai – SPM  
Keroka dated & delivered on the 3<sup>rd</sup> day of July 2019 in the Original  
Keroka Senior Principal Magistrate’s Court Sexual Offence Case No. 978 of 2016)*

**RULING**

1. The Applicant was charged and convicted on his own plea of guilty of the offence of breaking into a building and committing a felony contrary to section 306 (a) of the *Penal Code*, Cap 63 Laws of Kenya. The trial court sentenced him to serve 3 years imprisonment. The Applicant has already served 3 months in custody. The Sentence Review Report filed on June 26, 2023 by Probation Officer Jackline C, Mwei does not recommend a non-custodial sentence on the premise that the Applicant is a repeat offender and has previously served non-custodial sentences without reforming. Further, the Report indicates that the Applicant is not remorseful. For these reasons, I hereby direct that the Applicant continues to serve the sentence meted by the trial court in Keroka, Criminal Case No MCCR E001 of 2023.

**Orders accordingly.**

**DATED and DELIVERED at NYAMIRA on this 18<sup>th</sup> day of JULY 2023.**

**W.A. OKWANY**

**JUDGE**

