



REPUBLIC OF KENYA



KENYA LAW
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**Abdala v Republic (Criminal Revision E083 of 2023)
[2023] KEHC 23868 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23868 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E083 OF 2023
RE ABURILI, J
OCTOBER 6, 2023**

BETWEEN

RASHID ABDALA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate Criminal Case No. E150 of 2023 at Nyando)*

RULING

1. From the Probation Officer's Report filed in court on August 23, 2023, the convict Rashid Abdala is a recidivist of offences of stealing and he already breached probationary terms.
2. He is found not to be suitable for non-custodial sentence as he does not appreciate the purpose of a non-custodial sentence and is incapable of being supervised.
3. Accordingly, I decline to revise the sentence of two (2) years imprisonment imposed on him on June 13, 2023 vide Nyando SPM Criminal Case No. E150 of 2023.
4. The convict to serve full sentence and be rehabilitated.
5. This file is closed. I so order

DATED, SIGNED AND DELIVERED AT KISUMU THIS 6TH DAY OF OCTOBER, 2023

R. E. ABURILI

JUDGE

