



REPUBLIC OF KENYA



KENYA LAW
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**Geri v Republic (Criminal Revision E038 of 2023)
[2023] KEHC 23931 (KLR) (6 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23931 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E038 OF 2023
RE ABURILI, J
OCTOBER 6, 2023**

BETWEEN

MELVIN OCHIENG GERI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate Criminal Case No. E068 of 2022 at Tamu)*

RULING

1. The Convict Melvin Ochieng Geri was sentenced to serve three (3) years imprisonment *vide* Tamu SPM Criminal Case No. E068 of 2022 for the offence of stealing contrary to Section 268 as read with Section 275 of the [Penal Code](#). He stole 13 chickens valued Kshs.10,400/=.
2. He initially petitioned for sentence review vide HCCR No. E017 of 2022 hardly before he had served one month in prison and the court declined.
3. He has now been in prison from 6th March 2022 which is over 18 months of the three (3) years prison term.
4. He is expected to be released from prison on 14th March 2024. However, as he was in custody from 6th March 2022, until he was sentenced on 14th March 2022, I order that the prison term shall be calculated from date of arrest on 6th March 2022.
5. He was 24 years old as at 2022 meaning he is now 25 years old. From the Presentence report filed on 14th March 2022, the convict is a habitual offender who had been in prison severally and was a truant from his early age after dropping out of school for lack of interest. He is dishonest, does not take responsibility for his actions and has been convicted twice before, for stealing.



6. There is no report from prison authorities showing that he has reformed.
7. I decline to revise the sentence imposed. I however order that the three (3) years imprisonment shall be calculated from date of arrest on 6th March 2022.
8. I so order.
9. File closed.

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

R. E. ABURILI

JUDGE

