



REPUBLIC OF KENYA



**Otieno v Republic (Criminal Appeal E091 of 2024)
[2024] KEHC 13687 (KLR) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13687 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL APPEAL E091 OF 2024
RE ABURILI, J
NOVEMBER 7, 2024**

BETWEEN

SILA ANAM OTIENO APPELLANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate's Court, Criminal Case No. E376 of 2023 at Maseno)*

RULING

1. The application dated 3rd October 2024 is not urgent. I decline to certify it as urgent as no urgency is disclosed.
2. On the prayer for reduction of sentence, the applicant was convicted of malicious damage to property contrary to Section 339(1) of the Penal Code. He was fined Kshs.10,000 in default to serve 2 months imprisonment by Maseno SPM Criminal Case No. E376 of 2024.
3. This was on 25th September 2024. He has served more than half of the sentence imposed.
4. The property damaged was 6 window panes whose value is not disclosed. He states that the matter involved immediate family members.
5. There is no evidence that he is a recidivist.
6. In the spirit of prison decongestion, I exercise discretion and revise the sentence imposed which is 2 months imprisonment in default of the Kshs.10,000 fine.
7. I order that the period served in custody from 25th September 2024 is sufficient punishment for the offence committed.



8. The Applicant/Convict Sila Anam Otieno is hereby discharged unconditionally.
9. Unless otherwise lawfully held, Sila Anam Otieno is hereby set at liberty forthwith.
10. Signal to issue
11. File closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

