



**Opiyo v Republic (Miscellaneous Criminal Application E028 of 2025)
[2024] KEHC 16884 (KLR) (9 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16884 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
MISCELLANEOUS CRIMINAL APPLICATION E028 OF 2025**

**DR KAVEDZA, J
DECEMBER 9, 2024**

BETWEEN

FREDRICK OMONDI OPIYO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant with another not before this court was charged and after a full trial convicted for two counts of stealing by servant contrary to section 268(1) of the *Penal Code*. He was sentenced to pay a fine of Kshs. 200,000 on each count in default to serve 1 year imprisonment on each count to run consecutively.
2. He filed the present the present application seeking sentence review. He argued that the time spent is sufficient sentence.
3. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant’s mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court.
5. The application dismissed for lacking in merit. Having dismissed a similar application on 9th December 2024, the applicant is directed not to file another application without leave of court.

RULING DATED AND DELIVERED VIRTUALLY THIS 9TH DECEMBER 2024.

D. KAVEDZA

JUDGE

