



REPUBLIC OF KENYA



**Onyango v Republic (Criminal Revision E164 of 2024)  
[2024] KEHC 16505 (KLR) (2 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16505 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CRIMINAL REVISION E164 OF 2024  
RE ABURILI, J  
DECEMBER 2, 2024**

**BETWEEN**

**MICHAEL MAKOKHA ONYANGO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original conviction and sentence in Nyando Senior  
Principal Magistrate's Court Criminal Case No. E396 of 2024)*

**RULING**

1. This file is similar to Criminal Revision no E168 of 2024 where both convicts faced the same charge of intentionally withholding electronic payment of Mpesa money from the complainant's Bank Account erroneously send to them.
2. They pleaded guilty to the charge. They were sentenced to serve one (1) year imprisonment on 29<sup>th</sup> April 2024 and stated that they were ready to refund the money.
3. They have served 7 months of the 1-year imprisonment.
4. In the spirit of prison decongestion, and for them to look for the stolen money and refund the complainant, they are conditionally released from prison, unless otherwise lawfully held, not to reoffend for the next 6 months.
5. This order to apply to Criminal Revision no E168 of 2024.
6. Signal to issue. File closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 2<sup>ND</sup> DAY OF DECEMBER, 2024**

**R. E. ABURILI**



**JUDGE**

