

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUNGOMA
MISC. CR. APPLICATION NO. E083 OF 2025

JOSEPH MUNG'ONYE.....APPLICANT

VERSUS

REPUBLIC.....RESPONDENT

RULING

- 1.** The Applicant Joseph Mung'onye was charged and convicted of the offence of obtaining by false pretenses contrary to Section 313 of the Penal Code in Sirisia PM CRC No. 550 of 2024. He was then sentenced to serve a jail term of two years.
- 2.** The Applicant has now moved this court for review of his sentence. A pre-sentence review filed herein on 29.7.2025 by Catherine Wanyama the Probation Officer Sirisia Sub-county indicates that the applicant had as of 24.7.2025 served 8 months of his sentence wherefore as at this date he has served 11 months of his sentence. The said report reveals that the Applicant is rehabilitated and members of his community are ready to receive him back. It is thus proposed that I do consider his application for a non custodial sentence favourably.

3. I have duly considered the application herein, the affidavit in support thereof and the pre-sentence review report and I do find that this application is well merited.

I therefore review the Applicant's sentence pursuant to the provisions of Section 364 (1) (b) of the Criminal Procedure Code and I hereby issue a Community Service Order Act Pursuant to the provision of Section 3 of the Community Service Order Act No. 10 of 1998, ordering the Applicant to undertake community service for a period of 6 months at Kaimugut chief's office.

4. The area chief Kaimugut location and the probation officer Sirisia shall supervise the Applicant.

5. In the event of default in compliance with the community service order, the Applicant shall be committed back to prison to complete the remainder of his sentence therein.

6. This file is hereby marked as closed.

7. It is hereby so ordered.

Delivered, signed, and dated at Bungoma this 30th day of October, 2025.

MWANAISHA S. SHARIFF

JUDGE.