

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISUMU
CRIMINAL DIVISION
MISC. CRIMINAL APPLN NO. E105 OF 2025

LAMECK OUMA ORINA APPLICANT

- VERSUS -

REPUBLIC RESPONDENT

R U L I N G

1. On **21/5/2025**, the applicant was arraigned before the Winam Senior Principal Magistrate's Court with the offence of stealing contrary to ***section 268(1) as read with section 276 of the Penal Code.***
2. He pleaded guilty and was sentenced to pay a fine of **Kshs.10,000/-** in default serve one (1) year imprisonment. He was unable to raise the fine and he is currently serving the 1 year jail term.
3. On **9/7/2025**, he applied for his sentence to be reviewed and set out several grounds therefor including that he is remorseful. The Court ordered for a Sentence Review Report by the department of the Correctional Services.
4. By the Sentence Review Report dated **10/11/2025**, it was noted that the applicant had served 6 months, he had not settled well for rehabilitation because of another pending case of stealing a Motor Vehicle **MCCR No. E435 of 2025**

at Rongo. That the Local Administration and community are negative of his release. The report was negative.

5. While this Court is not bound by the Report of the Probation Officer but the same gives guidance to this Court in the exercise of its discretion. In the circumstances of this case, where the applicant is facing another ongoing case and that the ground is hostile towards him, I think it will be unwise to exercise the discretion in his favour.
6. Accordingly, I find his application to be unmerited and I dismiss the same.

It is so ordered.

DATED and **DELIVERED** at Kisumu this 26th day of **November, 2025**.

A. MABEYA, FCI Arb

JUDGE