



**Tom alias 'Boy' v Republic (Revision Case E042 of 2025)  
[2025] KEHC 5098 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5098 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
REVISION CASE E042 OF 2025  
WA OKWANY, J  
APRIL 30, 2025**

**BETWEEN**

**JOSEPH ONDIEKI TOM ALIAS 'BOY' ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

*(From the original Conviction and Sentence in the Chief Magistrates'  
Court at Nyamira, Criminal Case No. E893 of 2024 by Hon.  
B.O. Okong'o, Resident Magistrate on 27th November 2024)*

**RULING**

1. The Applicant was convicted, on his own plea of guilty, for the offences of House Breaking contrary to Section 304 (1) (b) of the [Penal Code](#) and Stealing contrary to Section 279 (b) of the [Penal Code](#). The trial court sentenced him to pay a fine of Kshs. 50,000/= or, in default, to serve one (1) year imprisonment. The Applicant has served five (5) months of his sentence and has three (3) months, after remission, to complete the sentence. The Sentence Review Report filed by the Probation Officer, Mr. Nelson Maroa, on 9<sup>th</sup> April 2025 recommends a non-custodial sentence. I therefore direct that the Applicant shall serve a Community Service Order for the remaining period of three (3) months at Mbugo Primary School under the supervision of the Probation Officer Nyamira and the School's Head Teacher.

Orders accordingly.

**DATED AND DELIVERED AT NYAMIRA ON THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**W. A. OKWANY**

**JUDGE**

