



**Odiko alias Nyaramba v Republic (Criminal Revision
E119 of 2023) [2024] KEHC 512 (KLR) (26 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 512 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CRIMINAL REVISION E119 OF 2023
RE ABURILI, J
JANUARY 26, 2024**

BETWEEN

MILKA AKINYI ODIKO ALIAS NYARAMBA APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original conviction and sentence in Senior Principal
Magistrate's Court Criminal Case No. E316 of 2021 at Nyando)*

RULING

1. The Convict Milka Akinyi Odiko alias Nyaramba was convicted and sentenced to serve a total of four (4) years imprisonment for the offences of forcible detainer, two counts of assaulting police officers and one count of obstructing police officers from performing their duties. This was vide Nyando SPM Criminal Case No. E316 of 2021.
2. She was charged jointly alongside her husband John Ongele Odiko. They were sentenced on 20th April 2023 by Hon. J. Wekesa, SPM, Nyando.
3. They were however given the alternative of paying fines of Kshs.10,000 on each count and in default, to serve one year on each count.
4. The husband was convicted of forcible detainer, fined Kshs.10,000 in default to serve one (1) year imprisonment.
5. In the multiple conviction and sentences imposed on the convict herein Milka Akinyi Odiko alias Nyaramba, there is no indication whether the default sentences were to run concurrently or consecutively.
6. As the offences were committed in the course of the same transaction arising from the offence of forcible detainer where the convict herein appear to have been assisting her husband who was being



evicted from the land, the trial court should have indicated in her sentencing remarks whether the sentences of 4 years would run concurrently or consecutively.

7. I observe that the convict is aged 62 years old. Although the lower court file was requested for way back in November, 2023, it was only availed to this court on 23rd January 2024.
8. Having considered the circumstances under which the offences for which the conviction was entered and the age of the convict who has now served about nine (9) months in prison, I hereby revise the sentence imposed on her and order that the four (4) years imprisonment as imposed shall run concurrently.
9. Consequently, as the convict is about to complete one (1) year of the 4 years imprisonment and owing to her advanced age, and in the spirit of prison decongestion, I hereby order that Milka Akinyi Odiko alias Nyaramba shall, unless otherwise lawfully held, be released from prison forthwith.
10. Signal to issue to prison forthwith. File closed. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 26TH DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

