



**Oreng v Republic (Criminal Revision E011 of 2023)
[2024] KEHC 1950 (KLR) (28 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1950 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
CRIMINAL REVISION E011 OF 2023
TA ODERA, J
FEBRUARY 28, 2024**

BETWEEN

DENNIS ORENGE APPLICANT

AND

REPUBLIC RESPONDENT

*(From original conviction and sentence in Criminal Case No.487
of 2020 of the Snr. Principal Magistrate court at Ogembo)*

RULING

1. The Applicant Dennis Oreng was charged in Ogembo CR case no 487 of 2020 with arson contrary to section 332 (b) of the Penal Code he is alleged to have set on fire assorted household goods including 2 blankets, 2 Mattresses and mosquito net all valued at Kshs. 25,000/=. The case was heard and determined and the convict was sentenced to served 3 years imprisonment on 6.4.23. this matter was brought before me for review of sentence under section of the criminal procedure code in the spirit of routine decongestion of prisons.
2. Prosecution is opposed to review of the sentence on the ground that the punishment for arson is life imprisonment yet the convict was sentenced to only 3 years imprisonment.
3. This called for pre-sentence review report and the undated report was filed on 2.11.23. The report is favourable to him and indicates that the gist of the offence was a land dispute between him and complainant. The convict is a young man aged 33 and is said to be willing to serve a non -custodial sentence and the community is willing to give him a second chance. Though prosecution objected to sentence review citing nature of the offence and the sentence provided for in law, I have considered the nature of the offence, the congestion in the Kenyan prisons, the value of the subject matter, the fact that the convict is a first offender, he is remorseful and has indicated his willingness to serve a non -



custodial sentence and the community is willing to accept him back. I proceed to review the sentence and order that the convict serves the remainder of the sentence on probation.

DATED, AND SIGNED AT KISII THIS 28TH DAY OF FEBRUARY 2024.

T.A. ODERA

JUDGE

28.2.24

Delivered virtually via team's platform in the presence of: -

Koima for the State

Court Assistant –Alex Oigo

