



**Okiona v Republic (Criminal Revision E035 of 2024)
[2024] KEHC 6537 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6537 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E035 OF 2024**

**WA OKWANY, J
MAY 30, 2024**

BETWEEN

BIVON ONTIRI OKIOMA APPLICANT

AND

REPUBLIC RESPONDENT

(From the original Conviction and Sentence in the Senior Principal Magistrates' Court at Keroka, Criminal Case No. MCCR E787 of 2023 by Hon. M. Munyekenye, Senior Principal Magistrate on 19th January 2024)

RULING

1. The Applicant was convicted on his own plea of guilty for the offence of stealing contrary to Section 268 (1) as read with Section 275 of the Penal Code. The trial court sentenced him to pay a fine of Kshs. 50,000/= or in default, to serve 12 months' imprisonment. The Applicant has already served 1 month and 15 days of his sentence. The Sentence Review Report filed on 3rd April 2024 by the Probation Officer Mpaera Johnstone recommends a non-custodial sentence. I hereby direct that the Applicant serves a Community Service Order at Mogusii Assistant Chief's Office under the supervision of the area Assistant Chief, Mr. Joshua Momanyi for the remaining period of 6 months.

Orders accordingly.

DATED AND DELIVERED AT NYAMIRA ON THIS 30TH DAY OF MAY 2024.

W.A. OKWANY

JUDGE

