



REPUBLIC OF KENYA



**Oteki v Republic (Criminal Revision E030 of 2024)
[2024] KEHC 6535 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6535 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
CRIMINAL REVISION E030 OF 2024**

WA OKWANY, J

MAY 30, 2024

BETWEEN

STEPHEN ONACHI OTEKI APPLICANT

AND

REPUBLIC RESPONDENT

*(From the original Conviction and Sentence in the Chief Magistrates’
Court at Nyamira, Criminal Case No. E051 of 2022 by Hon.
C.W. Waswa, Resident Magistrate on 6th, September 2023)*

RULING

1. The Applicant was convicted for the offence of obtaining money by false pretences contrary to Section 313 of the *Penal Code*, Cap 63 Laws of Kenya. The trial court sentenced him to compensate the complainant in the sum of Kshs. 350,000/= or in default, to serve 3 years’ imprisonment. The Applicant has served 1 year and 4 months of his sentence. The Sentence Review Report filed on 3rd April 2024 by the Probation Officer Nelson Maroa indicates that the Applicant has 8 months to complete his sentence and recommends a non-custodial sentence. I hereby direct that the Applicant serves a probationary sentence for the remaining part of his sentence under the supervision of Mr. Nelson Maroa, Probation Officer.

Orders accordingly.

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

W.A. OKWANY

JUDGE

