



REPUBLIC OF KENYA



**Ogola v Republic (Criminal Revision 139 of 2024)
[2024] KEHC 6340 (KLR) (27 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6340 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIBERA
CRIMINAL REVISION 139 OF 2024**

DR KAVEDZA, J

MAY 27, 2024

BETWEEN

FREDRICK OTIENO OGOLA APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant was charged and convicted for the offence of store breaking and stealing contrary to section 306(a) of the *Penal Code*. After a full trial he was convicted and sentenced to serve three (3) years imprisonment. The applicant has now filed the present application seeking a revision of sentence. The grounds raised are that the term of sentence served has been adequate.
2. I have considered the application, the grounds in support and the applicable law. From the record of the trial court, the court considered the applicant's mitigation, the time spent in remand custody and the fact that the applicant was a first offender before sentencing. Having considered the application in its totality. The sentence imposed was also legal in the circumstances of the case.
3. In addition, the court called for the probation officer's report which was considered. Notwithstanding the probation's officer's report, the offence is serious and carries a maximum of seven (7) years imprisonment.
4. In my view I find no good cause or reason to revise the sentence imposed by the trial court. The application dismissed.

Orders accordingly.

RULING DATED AND DELIVERED VIRTUALLY THIS 27TH DAY OF MAY 2024

D. KAVEDZA



JUDGE

