



**Poghisio v State (Criminal Revision E036 of 2024)
[2024] KEHC 12050 (KLR) (30 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 12050 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
CRIMINAL REVISION E036 OF 2024
RPV WENDOH, J
SEPTEMBER 30, 2024**

BETWEEN

SAMWEL POGHISIO APPLICANT

AND

STATE RESPONDENT

(From Original conviction and sentence in criminal case no. E395 of 2023 of the SPM'S Court)

RULING

1. Samwel Poghisio was charged with the offence of Grievous harm contrary to section 234 of the PC. He was alleged to have done grievous harm to Owen Rotich. He pleaded guilty to the charge and was sentenced to ten (10) years imprisonment.
2. I have noted that a Probation Officers report was filed which was favourable to release of the accused on probation. The complainant is said to have suffered a maim. In my view, Probation would have been too lenient. However, having pleaded guilty, and the Probation Officers Report being favourable, I think that ten (10) years was on the higher side. For that reason, I hereby revise the sentence. I set aside ten (10) years imprisonment and substitute it with six (6) years.

Imprisonment to commence on 17/4/2023. It is so ordered.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 30TH DAY OF SEPTEMBER, 2024.

R. WENDOH

JUDGE

Delivered in the presence of:

In person - Appellant.



Majale for the State.

Court Assistants – Juma/Hellen

