



REPUBLIC OF KENYA



KENYA LAW
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**Aloo v Republic (Criminal Revision E007 of 2023)
[2023] KEHC 21105 (KLR) (27 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 21105 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CRIMINAL REVISION E007 OF 2023
DO OGEMBO, J
JULY 27, 2023**

BETWEEN

DENIS ALOO APPLICANT

AND

REPUBLIC RESPONDENT

RULING

1. The applicant, Dennis Oloo, has moved this court by way of application for revision filed herein on April 4, 2023. The applicant seeks that this court do review his sentence and give him an option of a fine or a non-custodial sentence. He had been sentence to serve 3 years imprisonment for the offence of assault causing actual bodily harm contrary to section 251 of the *Penal Code*.
2. He has pleaded that he is 60 years old and a sole breadwinner of his family of 2 wives and 11 children.
3. Prior to the court passing the sentence on the applicant, the court obtained a Probation Officer's Presentence report. The same was negative with a recommendation that the applicant be kept away from the community for him to go through rehabilitation process. The said report captured in detail, the violent nature of the applicant.
4. Section 354 (3)(ii) of the *Criminal Procedure Code*, declares the powers of this court on revision to include;

.....alter the finding, maintaining the sentence, or without altering the finding, reduce or increase the sentence..”
5. The facts and circumstances of this case and the information contained in the Presentence Report, this court has no doubt as to the fact that the applicant deserves a custodial sentence. However, I find the sentence meted out of 3 years' imprisonment rather excessive in the circumstances.



6. I accordingly revise the sentence of the applicant herein and reduce the same. The applicant is sentenced to serve 2 years imprisonment.
7. This sentence shall run from the date applicant was sentenced by the trial court on March 29, 2023.
Right of Appeal explained to applicant.

Dated, signed and Delivered at Siaya this 27th Day of July, 2023

D.O. OGEMBO

JUDGE

27. 7.2023

Court:

Ruling read out in Open court in the presence of the accused/applicant and Ms. Mumu for the State.

D.O. OGEMBO

JUDGE

27.7.2023

