



**Atieno v Republic (Miscellaneous Criminal Application
E056 of 2023) [2023] KEHC 20768 (KLR) (26 July 2023) (Revision)**

Neutral citation: [2023] KEHC 20768 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CRIMINAL APPLICATION E056 OF 2023**

**DO OGEMBO, J
JULY 26, 2023**

BETWEEN

AGNES ATIENO ALIAS NIGHT APPLICANT

AND

REPUBLIC RESPONDENT

*(Arising from sentence meted in Siaya PM’s court
Criminal Case No. 233 of 2020 on August 18, 2022.)*

REVISION

- 1 The applicant, Agnes Atieno alias Night, has moved this court seeking revision of her sentence. Before the lower court, she had faced a charge of grievous harm contrary to section 234 of the Penal Code in Siaya PM’s court Criminal Case No. 233 of 2020 and sentence to serve 2 years imprisonment. The sentence was passed on August 18, 2022.
- 2 The powers of this court on revision as stipulated under section 364(1)(a) of the Criminal Procedure Code as spelt as follows:

“.....in the case of a conviction, exercise any of the powers conferred on it as a Court of appeal by sections 354, 357 and 358, and may enhance the sentence”
- 3 Section 354(3)(5)(b), this court on appeal has the powers;

“..in an appeal against sentence, increase or reduce the sentence or alter the nature of the sentence.”
- 4 I have considered the circumstances of this case especially the fact that the incident took place between family members. I have also considered the sentence meted against the applicant, and the fact that she



has served out a substantial part of the same. I am convinced that this is a case deserving of revision of sentence.

5 I accordingly order the sentence of the applicant be reduced to the period she has already served. I therefore order that the applicant be released forthwith unless lawfully held. It is so ordered.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 26TH DAY OF JULY, 2023

D.O. OGEMBO

JUDGE

26.7.2023

Court:

Ruling read out in Open court in the presence of Applicant and Ms. Mumu for the State.

D.O. OGEMBO

JUDGE

26.7.2023

